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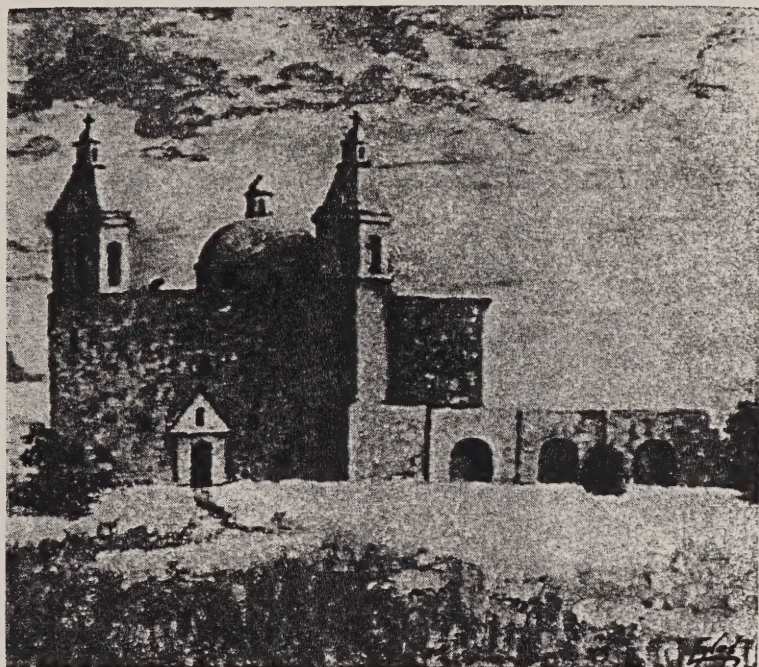
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*From Woodcut in TEXAS AND HER PRESIDENTS*

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# REFUGIO

## REFUGIO

A Comprehensive History of Refugio County  
From Aboriginal Times to 1953



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HOBART HUSON

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# REFUGIO

A Comprehensive History of Refugio County  
From Aboriginal Times to 1953

By

HOBART HUSON LL.B.

REFUGIO, TEXAS

VOLUME I

ABORIGINAL TO 1861

1953

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## Dedication

It is with grateful appreciation and remembrance of a worthy woman and wise friend and faithful helper, this work is dedicated to the memory of

VIOLA LAUGHTON BUCK

who personally typed the bulk of the manuscript in 1943-1944, as stated in the Foreword.

Mrs. Buck was the office manager for Judge Vance and myself in 1929-1931, for Judge Vance in 1931-1935, and for me, and later for myself and beloved present partner, Gerald T. Bissett, from 1938 until her death, December 18, 1950. No office ever had a better one; and we miss her greatly.


The abandonment of publication of the work. in 1944, she took to heart more than I did, and her spirit must rejoice in its eventual and unexpected publication, due to the generosity of THE ROOKE FOUNDATION, INC.

HOBART HUSON

December 18, 1952



# Foreword

HE APPENDED history of Refugio County, Texas, is the result of some fifteen years research by the author. It was proposed to publish the history in two large volumes, but apathy of the present day Refugians toward the project condemns it to remain in manuscript form. The manuscript was typed in one original and four carbons. One copy will be deposited in the Library of Congress, another in Texas University Library. The original and one copy will be retained by the author, who will later determine their disposition.

The present work contains, besides the purely local history of the County, the *most complete* histories so far written on the following subjects:

1. Political history of the Indian tribes indigenous to the Refugio area.
2. The Irish Colony. (Father Wm. H. Oberste is now engaged in a work on this subject).
3. Dimmitt's Garrison at Goliad.
4. Colonel Fannin's Regiment, and Revolutionary War in West Texas.
5. The Civil War in Western Coastal and Insular Texas.

The manuscript was read by Miss Marilou McMichael, of Teague, Texas. Mr. Sam R. Chamberlain, an authority on Texas Indians, criticized the chapter on that subject. So many contributed to various phases of the work that it would be impossible to name them. However, that guardian angel of Texas history researchers—Miss Harriet Smither—must be mentioned with gratitude. The best friend of projected publication was the Texas State Historical Association,

which tried to arouse enthusiasm through the *Quarterly*. Thanks are due in particular to Dr. H. Bailey Carroll.

The pleasure and educational profit which has come to the author in the research and chronicling is amply sufficient reward for the years thought and hard work devoted to the project.

Perhaps the loyal secretaries who wrestled with my handwriting and brought typewritten form out of cryptographical chaos did not exactly share the author's pleasure. These long-suffering secretaries were Mrs. (E. C.) Viola L. Buck, Miss Truth D. Carroll (now Mrs. Pasquale Chiavone), Miss Freddie Mae Harrington (now Mrs. Lloyd Spradley). Thanks be to you, my good and faithful friends.

HOBART HUSON

"Dawgwood"  
Refugio, Texas.  
July 17, 1946.



P. S. The correction of the M. S. and proof reading was done by Mrs. Elizabeth Wallentin Stewart, present curator of our Dawgwood Library. Captain Frederick Bernard Sheldon handled photographic copying. Colonel Samuel F. Reaves handled the details of publication.

May, 1953.



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Volume I

THE STAGE SETTING TO WAR  
REACHES REFUGIO



## CHAPTER I

### THE STAGE SETTING



REFUGIO COUNTY was one of the twenty-three original precincts or counties of the Republic of Texas<sup>1</sup> and is one of the two hundred fifty-four present counties of the State of Texas. The territorial limits of the original precinct and county of Refugio were co-extensive with those of the Power and Hewetson Irish Colony: that is, they comprised the ten littoral leagues of Texas between the Nueces River and the Coleta Creek-Guadalupe River, and included Mustang, St. Joseph's and, probably, Matagorda Islands, with the intermediate islands, islets and shell banks.<sup>2</sup>

The area of the original county has been from time to time reduced, until at the present the county embraces an area of only 740 square miles, or about one-quarter of its initial area.

The first reduction was in 1841, when the Congress by Act of December 2, 1841, defined the boundaries of Goliad county, and extended its southeasterly line about four miles into what had been the Power and Hewetson Colony.<sup>3</sup> This line was based upon a survey made in 1839-1841 by Willard Richardson, then deputy surveyor of Refugio County<sup>4</sup> and who subsequently became the eminent editor of the *Galveston News*.

A three-fold reduction of area was made by the First Legislature in April, 1846. The creation of Calhoun county, on April 4, 1846, deprived Refugio County of Matagorda Island (if that island ever was a part of our county).<sup>5</sup> Some years later minor territorial adjustments were made as between the two counties. On April 18, 1846 that part of Refugio County lying between the Aransas River and Nueces River was added to San Patricio county.<sup>6</sup> In 1845 San Patricio county, which then lay above the ten littoral leagues, had added to it all territory lying between the Nueces and the Rio Grande<sup>7</sup> On the same date

<sup>1</sup> *Constitution of Republic*, Schedule 6, which provided that until the first enumeration should be made that the "precincts" of Austin, Brazoria, Bexar, Colorado, Sabine, Gonzales, Goliad, Harrisburgh, Jasper, Jefferson, Liberty, Matagorda, Mina, Nacogdoches, Red River, Victoria, San Augustine, Shelby, Refugio, San Patricio, Washington, Milam, and Jackson, should have representation in the congress.

<sup>2</sup> The boundaries of original Refugio county were never defined by law, nor was the county seat designated by law.

<sup>3</sup> *Act December 2, 1841*, G. L. II, 678; Sayles, *Early Laws* § 1586.

<sup>4</sup> *Joint Resolution, Fifth Congress*, January 27, 1841, Authorizes payment to Willard Richardson of \$1167, for making map of Refugio county. See other Relief Acts, cited post.

<sup>5</sup> *Act April 4, 1846*, G. L. II, 1354; Sayles, *Early Laws*, § 1626; *Act September 1, 1856*, G. L. IV, 522; Sayles, *Early Laws* § 2626.

<sup>6</sup> *Act April 18, 1846*, G. L. II, 1392; *Act February 12, 1852*, G. L. III, 968.



(April 18) that the trans-Aransas territory was taken from Refugio, the Legislature created the new county of Nueces, comprised of all that part of San Patricio County lying west of the Nueces, below a line drawn from a point on the Frio River to the town of Laredo.<sup>8</sup>

By Act of April 23, 1846, "all lands \* \* \* now lying and being in the present county of Victoria, or that part of Refugio now attached to and a part of Victoria be declared to be the sole and exclusive property of Victoria."<sup>9</sup>

The remaining area of Refugio County stood intact until December 7, 1857, when the new county of Bee was created from parts of Refugio, San Patricio, and Goliad counties.<sup>10</sup> This resulted in the readjustment of the boundaries of Goliad, San Patricio, and Nueces counties on December 8, 1857.<sup>11</sup>

Mustang Island passed to Nueces County by Act of February 3, 1858.<sup>12</sup>

The final separation of territory from Refugio county occurred September 18, 1871, when Aransas county was created exclusively from Refugio county.<sup>13</sup>

A distinctive feature of the Texas coast is the island rim which extends in concave arc from Chambers county on an arm of Galveston Bay, to Brazos Santiago. Dr. Armstrong Price, eminent scientist, attributes this rim of islands to action of the tides, which throughout the ages have brought and deposited shell, sand and silt, so as to build bars, which in time have expanded into islands, with lagoons between them and the mainland. These lagoons, he says, in course of time fill up, because of combined action of tides and fresh water streams, so that eventually the islands will merge with the mainland. Meanwhile other bars are being built up farther out in the gulf, which by the same processes will become part of the mainland. This seems to have happened in the cases of the Chambers county

<sup>8</sup> Act June 24, 1845, G. L. II, 1204. See also Act May 24, 1838, Sayles, *Early Laws*, § 501.

<sup>9</sup> Act April 18, 1846, G. L. II, 1396.

<sup>10</sup> Act April 23, 1846, G. L. II, 1430; See Act March 31, 1846, G. L. II, 1341.

<sup>11</sup> Act December 7, 1857, G. L. IV, 883-884; Sayles, *Early Laws*, § 2644.

<sup>12</sup> Act December 8, 1857, G. L. IV, 882-883; Amended by Act of January 23, 1858, G. L. IV, 937.

<sup>13</sup> Act February 3, 1858, G. L. IV, 977; Sayles, *Early Laws*, § 2719.

<sup>14</sup> Act September 18, 1871, G. L. VII, 3-4; Sayles, *Early Laws*, § 3625.

		Elevations Above Sea Level (Feet)	
Aransas Pass	20	Harbor I.	0 to 15
Austwell	20	Ingleside	14
Bayside	18-19	Lamar	10
Beeville	214	Mathis	161
Berclair	194	Mustang I.	0 to 40
Bloomington	59	Odem	74
Calallen	31	Papalote	89
Copano	16	Portland	31
Corpus Christi (Bluff)	25	Port Lavaca	19
Fannin	143		
Goliad	167		
		Refugio	49
		Rockport	20
		St. Mary's	16-18
		San Antonio (Bexar)	701
		San Patricio	42
		Seadrift	12
		Sinton	49
		Skidmore	159
		Taft	54
		Tivoli	34
		Victoria	93
		Woodsboro	47

peninsula, San Luis peninsula and Matagorda peninsula, all of which evidently once were islands. If this theory is correct then the case of the much disputed route of Cabeza de Vaca becomes more complex.

The rim of islands is broken by passages from the Gulf of Mexico to the inland bays and lagoons. Within these inland bays and inlets are numerous other islands, some quite large, some very tiny. The channels of navigation within these inland waters are labyrinthine. Many are of historical interest.

The section of the island-rim with which this history is concerned—appertaining to original Refugio county—is composed of Matagorda Islands (which the Spaniards called *Culebra*), St. Joseph's Island (which was variably considered to be part of Matagorda Island or the separate island of San Jose or *Aranzazu*), and Mustang Island (called by the Spanish Mexicano *Isla de General Mina*). Bethel Coopwood asserts Saint Joseph's Island to have been the *Mal Hado* of Cabeza de Vaca.

Matagorda Island is separated from Matagorda Peninsula by the famed Paso Caballo. Through it came LaSalle and Narvaez on their respective ill-fated expeditions. Matagorda Island is separated from St. Joseph's by Cedar Bayou, best known for its associations with Lafitte. St. Joseph's Island is separated from Mustang Island by Aransas Pass, which from earliest times has been the principal passage from the Gulf into Aransas and Corpus Christi Bays. Mustang Island is separated from Padre (Balli) Island (*Isla de los Malaquitos Isla de Brazo de Santiago Corpus Christi Island*)<sup>14</sup> by Corpus Christi Pass, a shallow strait.

There were two principal approaches to original Refugio County from the seaward—via Paso Caballo and Aransas Pass. There was a third approach—through Cedar Bayou—but this seems to have been monopolized by the redoubtable Lafitte. The two commonly used passages were deemed of considerable military importance to the power controlling the mainland. The Spanish and Mexicans had garrisons on the three islands at divers times, and the Confederacy strongly fortified both of the passes. At the north end of Matagorda Island was the Confederate Fort Esperanza. Across Paso Caballo on the peninsula was another Confederate fort. At the south end of St. Joseph's Island was the Confederate fortified position known as Camp Semmes. It was not far from Lafitte's old buccaneer fort.

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<sup>14</sup> Suit involving title to Padre Island. *State of Texas vs. Alberto Balli, et al* 173 SW (2d) 522; 144 Texas 195, 190 SW (2d) 71. Supreme Ct. No. 27265-8187. See Briefs of counsel for much historical datum.

Across Aransas Pass on Mustang Island was another Confederate fort.<sup>15</sup> These two were backed up by another fortification on Shell Bank Island, in the rear of Harbor Island, which blocked the pass. The Spanish and Mexicans had an ancient fort, *Aranzazu*, on Live Oak Point, guarding the entrance to Copano Bay.

Examining the northern boundary of original Refugio county—the Guadalupe River—Coleta Creek—approaching it from Paso Caballo, the old route of Jean Lafitte:

Ships turned north into Paso Caballo, passed the head of Matagorda Island and tiny Pelican Island off its coast. Vessels headed for Matagorda and Lavaca Bays kept to the north. Those desiring to go to Mesquite Landing turned, at the northwest corner of Matagorda Island, at the site of old Saluria, into McHenry's (or Saluria) Bayou, (a strait between Bayuco and Matagorda Islands), into Espiritu Santo Bay. Proceeding between Long Island and Matagorda Island, and between Grass and Farwell Islands, a chain of small islands is encountered, blocking the entrance into San Antonio Bay (*Lago de San Jose*). The passage into the last named bay was through Steamboat Pass.

Turning into San Antonio Bay, around Grass Island, passing Mesquite and Swan Points, and the site of the modern town of Seadrift, the necklike entrance to Mission Bay is encountered. A short distance up the neck, to the left side, are the three mouths of the Guadalupe River. At the head of Mission Bay are three, or more bayous,<sup>16</sup> penetrating a densely wooded, marshy country. From west to east they are Schwing, Hog (Black's) and Goff Bayous, the second leading into Green Lake. On Goff Bayou, not far from the present station of Long Mott, is the first site of the Mission of *Nuestra Senora del Refugio*, as established by Father Oberste.<sup>17</sup>

Returning down Mission Bay, at the southwesterly side of the long neck, are the mouths of the Guadalupe River. The delta-islands formed by these mouths were some of the greatest camp-places of the Karankawa Indians in Texas.

Entering the heavily wooded mouths of the Guadalupe and going up that historic stream, we pass, a little below the present bridge on State Highway 57, the old Tivoli Landing, erstwhile the Boat Landing.<sup>18</sup> Formerly the Guadalupe River was navigable to

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<sup>15</sup> Remains of this old fort and anchorage rings existed as late as 1836. Duval, *Early Times in Texas*, 23-24.

<sup>16</sup> *Smugglers Bayou*, in Calhoun County, was so named because of its association with early smugglers. W. D. Bickford states, "There was a smuggler named Captain . . . . ., who had a copper-sheeted bottom boat which gave the name to that creek. In this captain's day one could go from the bay through the bayous into Green Lake."

<sup>17</sup> Oberste, *History of Refugio Mission*, 80 (map)



small sea-going craft as far up as Mesquite Landing. Tivoli Landing was an early steam-boat landing, and also the site of an early-day ferry. In this vicinity, on the Refugio side was a pioneer hide and tallow factory.<sup>19</sup> A few miles further upstream, a little below the mouth of the San Antonio River, and also a little below the bridge of the Missouri Pacific railroad, is historic Mesquite (originally *Mosquito*) Landing, also known as *El Muelle Viejo*. Above the landing on the Refugio side, is the swampy *bayou de los Mosquitos*, no doubt the breeding place of the swarms of mosquitos, which gave the area the appropriate name of *Caraje de los Mosquitos*. This is the site of the ranch of Refugio mission called *El Rancho de los Mosquitos*, and the place to which the mission was removed from Goff Bayou.<sup>20</sup>

Mesquite Landing probably dates contemporaneously with the establishment of the Mission of La Bahia, at least with its removal to Goliad. This point was about the highest a good-sized ocean-going vessel could go. Smaller vessels navigated the San Antonio River as far as the *Carlos Rancho*. Supplies for La Bahia and Goliad were brought by sea to this landing. Because of the name *El Muelle Viejo* (the Old Wharf) it would appear that the Spaniards had a wharf there. Father Oberste states that documents indicate that the Spaniards and Mexicans had a fort at the landing. In the vicinity, on the Victoria side, is said to be the ruins of an earthwork's commonly referred to as Swing's Fort. Tradition has it that these works were constructed by American settlers as a protection against Indians.

The *Paraje de los Mosquitos* was a favorite rendezvous of the Karankawas. General Long's last expedition disembarked at Mesquite Landing. Shortly after the Texian Revolution a ferry was established there. It was operated until the late 1890's.<sup>21</sup>

In the forks of the Guadalupe and San Antonio Rivers was the *ranch* of padre Jose Maria Valdez, a captain in the "Army of the Three Guaranties", who will have a role in our history. The Guadalupe, a distance of some six miles above Mesquite Landing divides into two branches, (the eastern of which is known as Traylor's Bayou) converging again some four miles higher up. The island

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<sup>19</sup> About two miles from present town of Tivoli.

<sup>20</sup> *Timely Remarks* (Cent. Ed.) 62-63.

W. D. Bickford states, "There was a hide and tallow factory and cannery on the William Kuykendall place on Hynes Bay. It was owned at one time by General Alexander Somervell. J. W. Duncan worked in this plant for General Somervell."

<sup>21</sup> Oberste, *History of Refugio Mission*, 136-143.

<sup>22</sup> Peletiah Bickford operated the ferry for many years. He previously had operated the ferry at Kemper's Bluff. W. D. Bickford states that the ferry at Mesquite Landing "was on the old trail road between Indianola and Chihuahua."

thereby created is known as Kemper's Island, near which Captain John F. Kemper lived and was killed. The Missouri Pacific railroad crosses the island. At or near the railroad bridge over the river, a short distance from present day Bloomington, is Kemper's Bluff and the site of Kemper City. Here for many years was operated the Kemper ferry.<sup>22</sup> Kemper's ranch was the scene of an Indian tragedy, which will be related in subsequent pages.

About six miles above Kemper's Island the Coleta Creek runs into the Guadalupe. An early home of Captain Philip T. Dimmitt, the probable site of the *Villa de los Jacales*<sup>23</sup> is located across the Guadalupe from the fork, while across the Coleta from the fork is the site of the pioneer home of Edward McDonough, one of the earliest of the Power colonists. The town of Victoria lies on the Guadalupe about six miles above the fork.

Coleta Creek was the northeasterly limit of the Power and Hewetson colony and of original Refugio County. This clear, beautifully wooded stream, the loveliest in South Texas, meanders many miles to the northwest, and runs within three or four miles of Fannin's battlefield, in present-day Goliad county.

The San Antonio River (sometimes on old maps, the Medina) which rises in Brackenridge Park, in the City of San Antonio, and empties into the Guadalupe a little above Mesquite Landing, was formerly the most easterly boundary of Tamaulipas. Refugio County, therefore, enjoys the distinction of being one of the few counties in Texas which was in both Tamaulipas and in Coahuila and Texas. The San Antonio River, since 1846, has been the north boundary of present day Refugio county.

On the San Antonio River, a few miles above Mesquite Landing was the historic Wellington Ferry.<sup>24</sup> Dr. Royal W. Wellington, its owner, originally lived on the north side of the river; but after the Victoria county line was extended to that river he promptly moved to the Refugio side of the river. A short distance from this ferry on the south side of the river is the scene of the Gilliland massacre. Along the river on the south side were the Fagan, Perry, and original Thomas O'Connor, Fox, O'Brien, and Bower ranches. In this area are located

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<sup>22</sup> W. D. Bickford states: "Kemper City was a big plantation. It was located at the Wilkerson bend of the Guadalupe. The river cut off an island known as Wilkerson's Island. Kemper City was on a live oak bluff—a beautiful place. Kemper's Ferry was about three-quarters of a mile due East. The original ferry in that section was White's, located at the mouth of Kye Bayou, midway between Kemper's Ferry and Mesquite Landing.

<sup>23</sup> The villa de los Jacales (village of huts) was on Dimmitt's ranch near Victoria. Captain Dimmitt wrote numerous letters from this place in 1839-1840.

<sup>24</sup> W. D. Bickford states that Wellington's ferry was operated in after years by Zian Dubois. "He ran the ferry for years. The ferry was run by cables. One of the old live oak posts is still there."

the beautiful *milpitas* of which Mrs. Teal was so enamoured and of which Father Oberste gives a description in his history.<sup>25</sup>

A few hundred feet below the Missouri Pacific railroad bridge over the San Antonio River is the site of the old trading post of *Anaqua*. It was located on the north side of the river. Here a ferry was operated for many years, which was operated at one time by Green Clay and later by A. H. Cromwell. The first "post office" at this place was simply a box mailed to a big *anaqua* tree. In it mail was left for the entire community. In later years Marberry had a gin and store on the south side of the river across from old *Anaqua*. A few hundred yards above *Anaqua*, to the west of the bridge on present highway No. 128, was the village of Warbonnett, which flourished in the 1890's. Here James A. Warburton had a large general store. It was in Refugio County.

A short distance above *Anaqua*, and on the south side of the river, is the first ranch home of the original Thomas O'Connor. Here he got his start by making saddle trees from mesquite timber and trading them for cattle. Here the old San Jacinto veteran is buried.

Four or five miles above *Anaqua* was the historic Carlos Crossing of the San Antonio. On the north side of the river is the famous *Carlos Rancho*, which will so often figure in this history. It was established by the redoubtable Captain Don Carlos de la Garza, captor of Captain Amon B. King and his men. On the south side of the river across from Carlos Rancho was the ranch home of Colonel John White Bower, a Signer of the Texas Declaration of Independence. The ancient road between Refugio and Victoria crossed the San Antonio River *via* the Carlos Ferry. This ferry was operated turns about by Captain de la Garza and Colonel Bower.<sup>26</sup> After the latter's death his widow operated the ferry for a number of years. Bower is buried on the ranch.

Farther up the river on the north side were the ranches of John B. Sideck, Peter Teal, and Anthony Sideck, all noted Texian veterans. A few miles above the Carlos crossing was another crossing, known as the Terrell (*El Oso*) Crossing. A ferry was also operated there. Thomas Marshall Duke is said to have owned the ferry at one time.<sup>27</sup>

The San Antonio River meanders through Goliad County, passing within sight of the Fannin battlefield, then divides old La Bahia from the modern town of Goliad and proceeds up to its source.

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<sup>25</sup> Oberste, *History of Refugio Mission*, 358-359; Teal, *Reminiscences*, 34 Q 317-328.

<sup>26</sup> Rafael de la Garza, Peter Edwards also operated this ferry. George B. Amory had an early store at the crossing, as did John W. Bower.

<sup>27</sup> W. D. Bickford states, "Judge Duke lived on Hynes Bay, on what later became the McDowell ranch. He is buried in the old Duke family graveyard, which has an iron fence around it, the graveyard being on his home place. The cisterns of his home can still be seen."



Going out of Mission Bay and turning to the southwest, Richardson's and Duncan's Points are passed, and Hynes (*Mosquito*) Bay is entered. On the bluff near Duncan's Point is the site of the last fight with the Karankawas in Refugio County, known as the *Battle of Hynes Bay*. At the head of Hynes Bay is Hynes Point, the home of Peter and John Hynes, colonists. John Hynes has the double distinction of having buried King's men and having commanded the settlers at the Battle of Hynes Bay. Near the Hynes home is the site of the old settlement of Hynesville, or Crescent Village. Farther down the bay is the present-day town of Austwell, which Preston Austin visualized as the metropolis of Refugio County. Lucas Landing, Webb's Point, Dagger Point, and McDowell's Point, are still further down.

The area from Webb's Point to False Live Oak Point is the back line of Black Jack Peninsula (*Isla de los Encina-Chinos*), so called because it is thickly wooded with black jacks. The shore line of Black Jack Peninsula turns westward at False Live Oak Point,<sup>28</sup> the home of the legendary "Grandma" Franks. Here it is told that Lafitte disbanded his men, divided the booty, and had his own buried in the live oak forest. "Many men went into the woods bearing the heavy treasure-chests, but only one man came out." This legend appears in a proper place in this history. The point is on a miniature semi-peninsula flanked by Mustang Lake.

Skirting Black Jack Peninsula a second chain of small islands is encountered, separating San Antonio Bay from Mesquite Bay. Cedar (*Tuya*) Bayou, cutting across Matagorda-St. Joseph's Island, connects Mesquite Bay with the Gulf of Mexico. On the mainland, in the interior, on the John Kelly survey, is the site of Carlos City.<sup>29</sup> Marked off by tiny islands are the back-bays of Bag and Mullet.

A third chain of islands separates Mesquite Bay from Aransas Bay. Passing the third chain, rounding Cape Carlos and Dunham and Pelican Islands, we come to the entrance of St. Charles Bay, which is blocked by a chain of small islands. St. Charles Bay separates Black Jack Peninsula from Lookout (or Lamar) Peninsula. St. Charles is a long, narrow, shallow arm of the sea, at the head of which is Bergantin Creek, also known as Salt Bayou. The head of this creek is in a bald prairie.

The name Bergantin was given to this creek, says the late William

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<sup>28</sup> The point so greatly resembles Live Oak Point in Aransas Bay that it was often mistaken for the latter. There is a legend that Jean Lafitte gave it the designation *False Live Oak Point* to distinguish it from true Live Oak Point. The source of the name is otherwise variously ascribed. That it was so designated at an early day is certain.

<sup>29</sup> This is now in the *Barrel Tree Ranch*.

L. Kuykendall, because during the Spanish regime a terrific storm blew a brigantine, laden with specie to pay the army at La Bahia and Bexar, into St. Charles Bay. The force of the storm was so great that the vessel was blown up the creek to its head and beached in the middle of the prairie, some six or seven miles from the bay. Nicholas Fagan used timbers and hardware from the vessel in construction of his colonial home on the San Antonio River.<sup>30</sup>

From its head down its west shore line, St. Charles Bay is entered by Willow, Salt and Cavazos Creeks. On Salt Creek, a few miles above the bay, occurred the kidnapping of the Thomas girls by the Comanche Indians. Along the west shore of St. Charles Bay above the town of Lamar were the salt-works of the pre-Civil War period. About two miles above Lamar on said west shore is *The Big Tree*, probably the largest live-oak tree in Texas, and perhaps, in the entire world. The tree is a landmark and is very ancient. It is said to have entered into ceremonial rites of the Karankawa or Copane Indians, whose habitat this was.

Regaining the entrance to St. Charles Bay, and passing the guardian chain of islands, Aransas Bay<sup>31</sup> is re-entered. Rounding Newcomb's Point and Goose Island (now a wild bird sanctuary), we come to the old and picturesque town of Lamar, on Lookout Peninsula. Associated with Lamar are such personages as Captain James W. Byrne, Captain James B. Wells, the Two Sea-Captains Johnson, Samuel Colt, James B. Colt, Colonel Charles Lovenskiold, General Randolph B. Marcy, Colonel Pryor Lea, Rt. Rev. Bishop John Mary Odin, and a host of other celebrities and dignitaries.

The second and principal approach into ancient Refugio County waters was through Aransas Pass, between St. Joseph's and Mustang Islands. Beneath the pass has been from earliest times a sand bar, which forms a subterranean connection between the two large islands. This bar was the bane of navigation and many vessels were wrecked in trying to cross over it. Accounts of some of the wrecks will appear in this history.

The south end of St. Joseph's Island was known as Signal Point (*Punta Señales*). At the southwest corner of this point was old Aransas village, which is not to be confused with Aransas City on Live Oak Point. On the point was the Confederate fortified Camp Semmes

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<sup>30</sup> W. L. Kuykendall, *Recollections*.

<sup>31</sup> The name *Aransas* is common in this area. There are numerous explanations of the origin of the name, which is a corruption of the Spanish *Aranzazu*. The palace seems to have been named *Aranjuez* (Euc Britt.) Some accounts are that this was the name of a palace of the king of Spain. Others that it is a contraction of *Nuestra Señora del Aranzazu*. See Bolton, *Texas in Mid. Eighteenth Century*, 331

during the Civil War. The north end of Mustang Island was known as Sand Point (*Punta Arena*), and a Confederate fort occupied it, also.

The entrance to the pass is blocked by Harbor Island, on which present day Port Aransas is located. This island was formerly known as Curlew Island. On the east, Harbor Island is separated from St. Joseph's and Lydia Ann<sup>32</sup> Islands by a channel, which extends between Hog (or Mud) Island and Shell Bank into Aransas Bay. Shell Bank,<sup>33</sup> which lies behind Marshy Point of Harbor Island, was fortified by the Confederacy, as between it and Taylor Island to the west is Corpus Christi Bayou, which is a passage from Aransas Bay into Redfish Bay. The two bays are separated by a chain of islands, in sequence, to-wit: Harbor, Shell Bank, Taylor, and Talley.<sup>34</sup> There is an islet in Aransas Bay, known as Low Island,<sup>35</sup> on which there was an early light-house.

Between Harbor Island and Mustang Island was Turtle Cove, which has been improved into the present day Corpus Christi ship channel, leading into and through Corpus Christi Bay.

Entering Aransas Bay and following the channel used by the colonials in going to El Copano, Lookout Point, Wolf Point (*Punta de Guadalupe*\*), on St. Joseph's Island is passed, (*Punta de la Libertad*, higher up) a chain of oyster reefs is skirted to the strait separating Live Oak and Lookout (Lamar) Peninsulas. The causeway of State Highway No. 57 now spans this strait, replacing Ballou's Ferry of over a century ago.<sup>36</sup> Submerged across this strait are shell bars, the existence of which doomed St. Mary's as a port.<sup>37</sup> Going through the strait, Lookout Point is rounded to the right. Skirting the north shore of Copano Bay, the mouth of Copano Creek is encountered. On the northeast side of the creek, at its mouth, is the survey patented to General Mirabeau B. Lamar<sup>38</sup> and John Miller Shreve,<sup>39</sup> upon which Lamar and his friend Colonel Samuel A. Plummer proposed to promote a townsite in 1837-1838.

Going down the northwesterly shore of Copano Bay, the mouths of several marshes or sloughs are passed. On the Simon Miller survey was the home of Joseph E. Plummer. The ruins of this old shell-concrete house and cistern are now crumbling into the bay. Back

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<sup>32</sup> Lydia Ann Island was named for the wife of Captain James B. Wells, Sr., who was mother of Judge James B. (Jim) Wells.

<sup>33</sup> This island was originally patented to Captain Alfred S. Thurmond, one of Refugio county's heroes. It was afterwards owned by Major John H. Wood, of St. Mary's.

<sup>34</sup> This island was once owned by John R. Talley, first treasurer of Refugio county.

<sup>35</sup> Named for Captain John Low, a Mexican War veteran, who at one time lived on St. Joseph's Island.

<sup>36</sup> Seth T. Ballou established a ferry across the strait about 1836-1837.

<sup>37</sup> Lyman B. Russell, *Correspondence*.

<sup>38</sup> Commanders of cavalry at San Jacinto and second President of the Republic of Texas. Kemp, *Heroes*, 299.

<sup>39</sup> Veteran of San Jacinto, Kemp, *Heroes*, 261.



from the bay is the old Plummer burial ground, where Joseph E. Plummer, senior and junior, are buried.<sup>40</sup>

Going farther down the bay is the mouth of Plummer's Slough, the surface of which appears to be hard and firm, but woe be unto him who steps upon it. Up the slough is the old Copano graveyard, in which Walter Lambert and others who figure prominently in this history lie buried.

A scant mile farther down the hard sand beach is the site of the old town of Copano, founded by Colonel James Power. The piles of the old wharf can be seen projecting out of the bay. On the bluff overgrown by brush are ruins of the several shell concrete buildings which formerly constituted the town.<sup>41</sup>

About three-quarters of a mile down the beach is Power's Point,<sup>42</sup> from which the celebrated, crescent-like shell-reef projects into the bay. In this point was the famous *El Copano Landing*, scene of so many events of this history.

On the bluff at the point was the noted *Copano House*, the old Mexican Custom House, mentioned in numerous depositions. Near the site of Copano House was the two and a half story shell concrete home, which Colonel Power was completing at the time of his death, and in which his widow and family lived for many years thereafter. Back of the Power home was the one-story shell-concrete cottage, built by Joseph E. Plummer, which was the first residence ever to be built at *El Copano*. Also to the rear of the Power home is the great shell-concrete cistern, which antedates all other improvements at *El Copano*. It was the source of fresh water supply to ships visiting the landing.

Farther down the bay is the mouth of Mission Bay, which is blocked by two or three islets. (Father Oberste believes one of them to be the *Cayo de los Apaches*.) Within Mission Bay was a mud or shell island, known as Palmetto Island, which was a rendezvous of the Copanes. In fact the entire area is the heart of the Copane country. Walking down the beach around the western shore, an observant person may espy fragments of skeletons, embedded in the face of the bluff, and pick out arrow heads and relics.

At the head of Mission Bay to the northeast of the mouth of Mission River is the site of the old town of Port Preston.<sup>43</sup> The ruins of several shell-concrete houses can be seen there. In this area is

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<sup>40</sup> Huson, *El Copano*.

<sup>41</sup> Huson, *El Copano*.

<sup>42</sup> Named for Colonel James Power, who owned the old *El Copano* landing and built a home at the point.

<sup>43</sup> Located on the Robert Patrick Hearn grant.

what is known as the *Big Field*, which was probably the largest of the Copane camp grounds. Here the most extensive Indian burial grounds in Refugio County are located. Also at the head of Mission Bay and to the southwest of the mouth of Mission River is Mission Lake, which is connected with the bay of the same name. The river appears to have shifted its location from time to time. At one time it paralleled Mission Bay to the northwest and disembogued into it much lower down. At other times it is said to have shifted over to Mission Lake.

About two miles above Mission Bay, Melon Creek (*Treviño* or *Malone*) flows into Mission River. Near the east of this juncture is Hynes Spring, near the home of Judge John Hynes.<sup>44</sup> The spring, which is now filled up, is a curiosity. There has been considerable speculation that the shell-concrete ruins in this neighborhood are those of a site of Refugio Mission prior to its removal to the site of the present town of Refugio, and that Hynes Spring was a well of the old mission. These theories are given space in this history.

Above Hynes Spring, on Mission River (north side), is Packery Flats, the site of one of the numerous hide and tallow factories of the Reconstruction Period. Crossing Mission River between Hynes Spring and Packery Flat was McCarty's Ferry on the old Refugio-St. Mary's road. The old "Saddle Path" from Copano to Refugio followed the north bank of Mission River.

The Mission Lake area was at one time quite a farming community. McCarty and the Brightmans had a salt works on the lake. To the south or west of Mission Lake is Quo Warranto Bayou, which extended above the old town of St. Mary's. Joseph F. Smith, who founded St. Mary's, could never determine by what right the bayou was there.

Proceeding down Copano Bay from the mouth of Mission River, pass site of McCarty's salt works in front of J. R. McCarty survey, site of town of *New Hope*, promoted by McCarty, who was a live-wire. On the Joseph F. Smith and Elisha Maxey<sup>45</sup> surveys was the town of St. Mary's, at one time the nominal county-seat of Refugio County, and its metropolis. Two or three of the original houses are still standing. Ruins of the others may be found by searching the rattle-snake infested brush thickets. The piling of the old wharves and warehouses stands in place.<sup>46</sup>

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<sup>44</sup> John Hynes at one time owned considerable land in this area, including the James Power and Son Headright, and operated a large ranch.

<sup>45</sup> Elisha Maxey was an old Texian veteran.

<sup>46</sup> Huson, *Saint Mary's of Aransas*, Neighbors, Old Town of St. Mary's.

About two miles below Old St. Mary's is the modern village of Bayside, perched upon the high bluff. The commanding landmark at Bayside is the gigantic two and one-half story, flat-deck roofed house, built by Major John Howland Wood, and headquarters of the famous Bonnie View Ranch. This historic ranch, established shortly after the Revolution, was the scene of much of the action in Dr. Frank Dobie's classic, *A Vaquero of the Brush Country*. The Brush Country lies all about.

Although the site of Bayside is referred to as being at Black Point and Smith and Williamson first projected their townsite at Black Point (later consummated at and as St. Mary's), *Black Point* (Punta Prieta) appears to have been at the turn of the shoreline into the estuary formed of an arm of Copano Bay and the mouths of the Aransas and Chiltipin. Here was a landing place, known as *Black Point*, dating back to Spanish times. Here the Welder family landed in May, 1836.

Near the mouth of the Aransas River is the *Rizo del Aranzazu*, Aransas shell reef, the site of a great Indian camp. Many relics have been found in that area. Captain Philip Dimmitt at one time lived near the reef. After him the Welders lived there. Following the Welders, Johnny Linney established his first home in this county, on the Dimmitt land. Colonel Pryor Lea projected his Aransas Road Company turnpike across this reef on the road from Refugio to present day Aransas Pass.<sup>47</sup>

Across from Black Point is Egery's Island, a quasi-island, over which the old causeway crossed from Black Point to Live Oak Peninsula, on the old road to Rockport. This island was the original home of Major Cyrus W. Egery, Texian veteran and Indian fighter.

Following the easterly shore line of Copano Bay, pass the island guarded entrance to Swan Lake, then the estuary into deep-recessed Puerto Bay. Emerging from which, pass the entrance to Italian Bend, another inland bay, round Rattlesnake Point. A little farther up an old land mark, known as *Lone Tree* is passed. Skirting the western shore of Live Oak Peninsula, (*El Rincon de la Cera* (Beeswax), or *Isla de Musquiz*), the head of the peninsula is reached. Taking egress through the strait and rounding Live Oak Point which Navarro designated as the Punta de los Laureles, we are back in Aransas Bay.

Live Oak Point, covered with a forest of fantastic live-oak trees, and also many sweet bay trees (*laureles*), is one of the most beautiful spots in Texas. Here Colonel Power had his home, where most of

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<sup>47</sup> Huson, *Saint Mary's of Aransas*.

his children were born. A short distance to the east at Smith's Point was the palatial home of Governor Henry Smith, where John Henry Brown, his biographer, wrote portions of his notable *History of Texas*.

At Live Oak Point was Aransas City, founded by Colonel Power about 1837. Here Colonel Henry L. Kinney, founder of Corpus Christi, lived in 1838-1839. Governor James W. Robinson and Edward Fitzgerald had a law office there in 1840. All of this, of course, appears later in our history. Near Aransas City was the site of the old Spanish and Mexican fort of *Aranzazu*.

Going down the east shore of Live Oak Peninsula, the town of Fulton is passed. This old town was founded by Colonel George W. Fulton, son-in-law of Governor Smith. The Fulton mansion still stands overlooking the bay, but the several hide and tallow packeries which once flourished at Fulton have vanished. Farther down the shore Frandolig Island, or peninsula, and back of it Little Bay, are passed. At its sea-ward end of the island-peninsula is Frandolig Point, also known as Nine Mile Point. Here was located another of the famed hide and tallow factories. Some five miles farther down shore is Rockport, once the capital of the hide and tallow industry, and for a year or so, the county seat of Refugio County. At its rocky ledge, General Zachary Taylor's army passed from St. Joseph's Island to the mainland in August, 1845. The *Taylor Oak*, under which the general had his tent, is a landmark of present day Rockport.

About three miles down the bay the chain of islands separating Aransas from Red Fish Bay is encountered. The latter bay is entered through one of the passes between the islands. About four miles into Red Fish Bay will be found old dykes or moles from mainland, near present day town of Aransas Pass, across to the islands and the deep water channel. These stand as a memorial of Colonel Pryor Lea, who spent a lifetime in endeavoring to connect the interior of Texas with deep water at this point. Port Aransas, tho built by others, is his vindication.

Leaving the old dykes, and passing Hog Island, the causeway from the town of Aransas Pass to Port Aransas is underpassed. Skirting a chain of offshore islands, of which Ransom and Dagger Islands are the largest and behind which is Red Fish Cove, Corpus Christi ship channel is entered.

Turning into Corpus Christi Bay (*Bahia de San Miguel Archangel*), McGloin's Bluff is passed. This site was named for the *empresario* of the San Patricio colony, and was the landing place of part of those colonists. A peninsula juts northwesterly into the bay.



Behind the peninsula is Ingleside Cove, into which enters Kinney's Bayou. At the head of the cove is the site of the old town of Ingleside, founded by John W. Vineyard, who figures prominently in our history. In front of the old townsite is a fine, wide sand beach. Upon the bluff hoary old grapevines, planted in the long ago, grow in abundance.

Proceeding with the northerly shore-line of Corpus Christi Bay we come to Portland, perched high on a magnificent bluff. Near this place the old road from Refugio to Corpus Christi reached the bay, and during low tides wagons were driven through the bay into Corpus Christi. From Portland a peninsula juts out, forming one of the arms separating Nueces Bay from Corpus Christi Bay. The peninsula terminates at Indian Point. Prolonging the peninsula, a series of partially submerged shell reefs cross the entrance to Nueces Bay to Corpus Christi peninsula. The causeway and railroad bridge cross on these reefs. According to Bethel Coopwood, Cabeza de Vaca crossed the same reefs over four hundred years ago. On Corpus Christi Peninsula is the present day metropolis of Corpus Christi, which has evolved from a trading post, established by Colonel Henry L. Kinney, formerly of Refugio's Aransas City. The history of Kinney is to a considerable extent inseparable from that of Refugio County. Around Corpus Christi Bay at its cornering with *Laguna Madre* is Flour Bluff, off which is an islet, *Dimit Island*, named for Captain Philip Dimmitt.

Corpus Christi, of course, being west of the Nueces River, was never a part of Refugio County, but is identified here because of its close connection with the history of our county.

Following the north shore line of Nueces Bay, we pass (*the Chimneys*) the *Paraje de los Chimeneas*, near which was the colonial home of Captain Felipe de la Portilla, father-in-law of Colonel Power. Here Colonel Power and his bride lived during the first months of their married life.

Following the northern margin of the bay, White Point and the entrance of the upper neck are passed. At the west side of the bay is the mouth of historic Nueces River,<sup>48</sup> after 1805 the boundary between Tamaulipas and Texas and until 1846 the southwestern boundary of Refugio County. The Nueces River is noteworthy for its absence of high banks. The river has been said to "run on the top of the ground." In the early days the stream was navigable to shallow-

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<sup>48</sup> "River of the Nuts". This seems to be a different River of Nuts than the one featured in Cabeza de Vaca's chronicles.

draught steamboats as high up as the old town of San Patricio. At the mouth of the Nueces was an old Karankawa *rancheria*.

A short distance above the mouth of the river, and on its west bank, is the old settlement of Nuecestown, which was raided by Mexicans in 1875, and to which Refugio Minutemen sped to the rescue. About fifteen miles up the river, in the neighborhood of the modern village of Calallen, is the site of Captain Philip Dimmit's warehouse and wharf, where he and James Gourley were abducted by Mexican troops, July 4, 1841. The warehouse appears to have been on the east or Refugio side of the river. From the mouth of the river on up are the noted *Brasadas* of the Nueces, the scene of many a murder and robbery. In the *Brasadas* the Aldrete family had one of its ranches, probably on the same territory of the Nueces River ranch of their kinsman, Martin de Leon. From this ranch Captain Trinidad Aldrete essayed forth to do battle with the Karankawas.

Farther up the stream, on the Refugio side, was one of the ranches of the Mission of Refugio.

The lower part of the Nueces flows through a marshy expanse, across which the river has undoubtedly shifted its channel in days gone by. In this marsh is a chain of lagoons or bayous which connect with the upper neck of Nueces Bay. Between Calallen and San Patricio the river divides forming three or more islands, of which *Griffin* and *Odem*<sup>49</sup> are best known. Here the marshy land ends and the highlands begin.

At a point about twenty-five miles above the mouth of the river the *Camino Real*, leading from Laredo to Nacogdoches, via Goliad, crossed the Nueces. At this crossing on the west bank of the river was General Teran's old Fort Lipantitlan, which was on or near an ancient camp of the Lipan Indians. On the east side of the river a little above the road is the old town of San Patricio, established by the *empresarios* McMullen and McGloin as the capital of their colony.

It will be noted that the town of San Patricio is within the ten littoral leagues, if reckoned in a straight line from the mouth of the Nueces. The *empresarios* Power and Hewetson contended that their rival Irish *empresarios* had encroached upon their *empresa*.

Farther up the Nueces, on the west side across Lake Corpus Christi (near present town of Mathis) is the historic fort of *Casa Blanca*, which will be mentioned on several occasions in our history. Still farther up the river 25 or 30 miles is old *Fort Merrill*.

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<sup>49</sup> Named for David Odem, Sr., veteran of San Jacinto.

San Patricio-Lipantitlan was a gateway between Texas and Mexico. The Camino Real from Monterey, Mier, and *El Sal del Rey*, as well as the road from Laredo crossed the Nueces at this point.<sup>50</sup> Another road from Matamoros converged here. After the establishment of San Patricio a road was beat out between it and Bexar.

From San Patricio-Lipantitlan the Camino Real went directly to La Bahia, or Goliad, thence on to Nacogdoches and Louisiana. This road crossed the headwaters of the Chiltipin (a camp of Filisola on his retreat), the Papalote, the Arroyo de las Ratas, the Aransas River, Blanco, and the San Antonio River, at La Bahia. Near this road where it crossed Mujerero Arroyo (a tributary of the Blanco) were the old ruins of the *hacienda* known as *Rancho de los Mugerers*, which was also a camp site of Filisola on his retreat and the base of Colonel Valero's operations against Goliad and Refugio, in March, 1842. On this arroyo was the ranch of the Moya family.<sup>51</sup>

From San Patricio there was also a direct road to Refugio, and thence to El Copano. This road crossed the Aransas at *El Alamo*, or Aldrete's crossing, which was on Martin de Leon's old ranch. There was an old trail leading from Aldrete's crossing to Corpus Christi. The road from San Patricio crossed Mission River over the old sand ford a few hundred yards above the old Mission.

In Spanish and Mexican times there were two roads out of *El Copano Landing* to Goliad. One of these went directly to La Bahai, or Goliad. The other went by way of Refugio. This latter road passed the San Nicholas *rancho* and lake, midway between Refugio and Goliad. General Urrea stopped for the night at San Nicholas, and there issued his order for the execution of King's men. Duval's company had camped at the lakes a few months previously. From the Nicolas lakes a road went across the prairie to the Carlos crossing of the San Antonio River. There seems to have been a cut off from the Refugio-Goliad road over to the Carlos Ranch road. There also appears to have been a trail over the prairie from Refugio to the Fagan ranch section. There was an ancient road from Goliad to Bexar.

During the Republic there was a road from Refugio to Black Point and a trail from the latter, around the bay, across Live Oak Peninsula. There were also two main roads between Refugio and Victoria, one by Carlos Ranch, the other via Anaqua.

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<sup>50</sup> Puella's *Map of Texas* (1801) Laredo to La Bahia.

<sup>51</sup> This creek has been called variously the *Mah Arroyo*, and *Mugerorero*.

Considering now the inland water courses of original Refugio County. The Nueces, Guadalupe, Coletto, and San Antonio have been described already. From San Patricio north, the principal water courses are Peters Creek, a tributary of the Chiltipin; the Chiltipin, which empties into Copano Bay above Black Point, named because of the wild hot peppers (chile-peteens) growing along its course. The noted Youngs Coleman ranch was located on this creek not far from Black Point.

The next stream of importance is Aransas River, which also empties into Copano bay, its mouth being but a short distance above that of the Chiltipin. The Aransas River was claimed by some authorities, Almonte among others, to have been the true boundary between Tamaulipas and Texas. Martin de Leon had a ranch at *El Alamo*<sup>52</sup> in 1809. His son-in-law, Jose Miguel Aldrete, had a ranch on the de Leon lands on the north bank of the river some years later. The headwaters of the Aransas include Papalote,<sup>53</sup> Bull Head, La Vesca, Los Ratons,<sup>54</sup> Aransas, and Neddy creeks.

Mission River, on which the Mission of Nuestra Señora del Refugio was located, rises about four miles above the town of Refugio and empties into Mission Bay (sometimes called Refugio Bay). This ordinarily clear, fresh water stream is formed by the junction of the Medio and Blanco creeks, each of which has an extensive system of tributaries. Near the junction of Blanco and Sarco creeks is the village of Blanconia, once headquarters of Sally Skull, Texas' noted gunwoman. About seven miles above Blanconia the *Mugerero Creek* (*Mujer Arroyo*) empties into the Blanco. On this creek Juan Moya, the noted Guerrilla, had his *rancho*, and there his progeny were killed almost forty years later. Near the *Camino Real* crossing of this creek, the Mexican army had its headquarters on several different occasions.

Between the head of Mission River and the town of Refugio is one of the few deposits of building stone ever found in the county. Stone from this quarry was lightered down the river and used in building the old Mission.

In the vicinity of the town of Refugio, Mission River has a wide bottom, showing evidences that the channel in earlier times was farther south, leaving a wide flat between the north bluff and the river. This seems to be confirmed by John J. Linn and others.

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<sup>52</sup> See depositions of John Clark and Rafael Aldrete in *Wood v Linney*.

<sup>53</sup> Papalote means "wind-mill".

<sup>54</sup> Las Ratons means "the rats".



A few hundred yards above the mission site a long wide, deep, arroyo approaches the river from the north. This arroyo extends a couple of miles into the prairie and passes near the Catholic cemetery. It was on the east side of this draw, about one mile north of the mission, that Captain King and his men were massacred.

Between the old ford and the mouth of the draw was formerly a natural spring of fresh water. From this spring Ward obtained water for his wounded men. The spring has long since become lost.

On the north bank of the river, about 400 yards below the mission, was Colonel Power's town home, where General Houston, General Cos and other dignitaries were entertained. The corrals of this home played a prominent part in the Battle of Refugio.

Going down stream, Norton's Hole<sup>55</sup> is passed, with Norton's Hill to the left and King's battle field to the right, a little farther below. At Norton's Hill are the earthworks reputed to have been part of the mission's irrigation system. On the same side of the river in the same vicinity is *Corn Bend*, where the Irish colonists had a communal farm, said to have been an old field once cultivated by the mission Indians.

The river turns in horseshoe loop around Whelan's Bend, below which is the now abandoned O'Boyle Crossing of the old Refugio-Corpus Christi road. A short distance below O'Boyle's Crossing is the mouth of the Arroyo Seco, or Dry Bayou. The river then makes an acute loop to the right, and flows past the site of the home of Captain Edward Fennessy, on the north side, and old home of Mansfield Barlow, on the south side. The old Fennessy water hole is in the river where it passes Captain Ned's old home.

About six miles below the town of Refugio, Saus Creek flows into the river from the southwest. Near the southwest fork was the site of the Esteban Lopez *rancho*, which Captain King burned on the morning of the Battle of Refugio. Below the mouth of Saus Creek, Thomas B. Kimball had an early day ferry across Mission River.

Saus Creek (Saus) has an elaborate system of feeders, most of which are crossed by State Highway 128. These include in order, from Refugio to the Aransas: Monkey Slough, Devil's Run, Saus Creek, Chocolate Bayou (north fork), Chocolate Bayou (south fork), Chocolate Bayou enters Saus Creek between Mission River and Monkey Slough.

Between Saus Creek and the mouth of the Mission River, the river in numerous places spreads out into little lakes, which resemble

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<sup>55</sup> King's men are believed to have crossed the river at the Norton Hole.

beads on a string. It was evidently one of these lakes which was crossed by Dr. John Charles Beales. Between Saus Creek and the mouth of the Melon is Packery Flats, before mentioned, below which was McCarty's ferry.

Melon Creek flows into Mission River from the northwest, a little above Hynes Spring. This creek rises in the prairie some six or seven miles northwest of Refugio, on the old *rancho* of John Malone. The creek was named for Malone, but was corrupted into its present name *Melon*. Captain King and his men were captured at the Malone *rancho*. In the Mexican period this creek bore the name *Treviño* for Captain Treviño, who occupied the rancho prior to Malone. Alamita Creek is a tributary of the Copano, and flows into it from the south below the town tract of Refugio. There was formerly a Spanish or Mexican village named *Alamita* on this creek. The Mexicans had an old mesquite log bridge over the Melon a short distance above its mouth. Both Ward and King reached this bridge on their retreat from Refugio.

Mission River is said by Kennedy to have been navigable to steam boats drawing three feet water, up to the town of Refugio.<sup>56</sup> This was prior to 1840. There are other accounts of navigability to small craft or lighters as far up as Packery Flats during the Reconstruction Period. The *Review* mentions a pleasure boat coming up as far as the O'Connor dam in 1910. Up to the time of the oil boom, canoe trips were taken by Refugians from the town of Refugio down the river and across Copano Bay to St. Mary's and Bayside.

Copano Creek begins as a draw in the prairies of Goliad County and empties into Copano Bay some nine miles above the old town of Copano. The creek forms part of the boundary between Refugio and Aransas counties. Judge Edward P. Upton's ranch was located north of the creek.

Cavazos, Salt, Willow, and Bergantin Creeks have been mentioned already.

The surface of the county is dotted with occasional "lakes" in the prairies. Some of these are quite large, such as the Nicolas, or Nine Mile, Tully (Tule), and Swan Lakes. These lakes are really depressions filled with rain water and dry up in drouthy weather. They are principally interesting for the remains of Indian camps to be found around their rims.<sup>57</sup> Three big lakes along Melon, 1½ miles above Hynes Spring.


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<sup>56</sup> Kennedy, *Texas*, 50.

<sup>57</sup> Neil C. Imon, a surveyor formerly at Refugio, compiled a map showing location of all known Indian camp sites and burial grounds in Refugio and Aransas counties. Imon lost his life in our Pacific Theater during World War II.

## CHAPTER II

### ABORIGINE INHABITANTS

HE PRINCIPAL Indian tribes with which the history of Refugio County is concerned are four in number, being the Karankawas, Lipans, Tonkawas, and Comanches. Competent authorities have stated that these tribes were preceded by the Caddos, who were semi-civilized, and were gradually ousted from the coast country by inroads of the later tribes.<sup>1</sup> Howsoever that may be, the impression made by the Caddos upon the first Europeans, if they were in this section when its written history first began, appears to have been negligible.

Of the four tribes with which we have to deal, only the first named, the Karankawas, were indigenous to our county as a whole. The Lipans had their habitat along its original western border, the Nueces River, and beyond; but, as will be seen, they figure largely in the history of our county. The Tonkawas do not appear to have been originally a coastal tribe, but as the years passed were gradually forced from their habitat on the Colorado towards the gulf coast, and to no inconsiderable extent injected themselves into our history. The Comanches were never settlers of the coastal country so far as we know, but had their habitat far to the Northwest, beyond San Antonio. Their hatred for the Lipans, whom they had expelled from the San Saba country, and their original or acquired hatred for the Karankawa tribes, as well as their insatiable love for plunder and war, inspired seasonal excursions from the hill country to the coast. This long established habit was intensified with the coming of the Spanish, Mexican, and American settlers, all of whom the Comanches likewise cordially hated. The possessions of the settlers were an added lure to these savages.

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<sup>1</sup> Rodnick, *History of the Goliad Missions and their Indians*, MSS. George C. Martin states: "Judging by the archaeological remains found on the coast between the Nueces and the Brazos this country was first occupied in very ancient times by a people whose history is totally unknown today. The fact that such a people existed is proved by the very infrequent finds of artifacts that do not belong to the culture of the tribes known to have historically occupied the area. These finds are not made on campsites, but are usually scattered along the shores of the bays and small lakes. All artifacts of this class are deeply patinated. The tribes of Karankawan affinity appear to have been the second occupants of the country. Of these, the sites known to have been occupied by the Copane appear to be of the greatest antiquity. In a shell-heap on the west side of the Live Oak Peninsula and a midden of great depth on Melon creek, were found the artifacts which are considered as typical of the Copane culture. A site on Carancahua bay, another on San Antonio bay, and a third on Matagorda island, determined the stone culture of the Karankawa. \* \* \* *The Copane and the Coapite* (monograph)"

As will be seen, most of the murders and depredations by Indians in this part of Texas were committed by the fierce Comanche and not by the local Indians. Certainly all of the major depredations were the deeds of these hill people.

Within recent years a number of distinguished scholars and ethnologists have written exhaustive histories of all these Indian tribes, and a vast quantity of material theretofore unavailable to the average student has been made generally accessible because of the industry of researchers. Therefore, it will not be our purpose to give a detailed history of these aborigines and their origin, manners, and customs but rather to confine ourself to such pertinent facts concerning them as will furnish a fair understanding of, and enlarge upon, the connection of these interesting people with the modern history of our subject-area.

## KARANKAWA

The Karankawan tribes appear to have been the first natives encountered by the first Europeans known to have visited Texas. Cabeza de Vaca fell into their hands when he landed off our coast in 1528.<sup>1</sup> The survivors of a fleet of 20 vessels bound from Vera Cruz to Seville, which was shipwrecked off Padre Island in 1553, were attacked by the Karankawas as soon as they got to the island. Only one lived to carry the tale back to Tampico.<sup>2</sup> The Sieur de la Salle contacted the Karankawas when he landed on Matagorda bay in 1684. His fort St. Louis was attacked and the defenders either killed or captured by these tribesmen in 1688.<sup>3</sup> Governor Alonso de Leon marched overland from Coahuila to Espiritu Santo Bay to find LaSalle and arrived at the site of ruined Fort St. Louis, April 22, 1689. He sought out the Karankawas and obtained from them the three sole survivors of LaSalle's unfortunate colony.<sup>4</sup> In 1712 a party of French visited St. Joseph's Island, and practically all of them were killed by Indians. In 1718 another French party was on

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### *Suggested reading and references:*

Hodge, *Handbook of American Indians*; Martin, *The Tamaulpecan Linguistic Family; The Karankawan Linguistic Family; The Karankawa, The Copane and The Coapite; The Coco; The Pajalache; The Malaguite; The Pamoque; The Piguique; The Cujan*; Dyer, *Historical Sketch; Customs of Wild Tribes near Galveston a Century ago with Ancient Semitic Customs*; Gatschet, *The Karankawa Indians*; Oberste, *History of Refugio Mission*; Rodnick, *The Goliad Missions and their Indians*; Ramsdell, *Spanish Goliad*; Chabot, *Morfi Indian Excerpts*; Swanton, *The Indian Tribes of North America, 1952*; Bedichek, *Karankawa Country; Padre Island* (Writers Round Table). J. N. Almonte, *Report* 28 I. 194.

<sup>1</sup> Pichardo, III, 64-66

Davenport and Wells, *The First Europeans in Texas, 1528-1536*. 22 Q. 133-142

Rodnick, *History of Goliad Missions and their Indians*, MS

Kenney, *Tribal Society Among Texas Indians*, 1 Q. 28-29

Bolton, *The Founding of Rosario Mission*, 10 Q. 116.

<sup>2</sup> Castañeda, *Catholic Heritage*, I, 141-143

<sup>3</sup> Castañeda, *Catholic Heritages*, I, 141-143

<sup>4</sup> Bancroft, *North Mexican States*, I, 398; Pichardo, I, 179; II, 210; Kenney, *op. cit.*, I Q. 29.



St. Joseph's Island and was kindly treated by the Indians. The chronicler of this voyage left an interesting account of the food and habits of the Karankawas.<sup>4/1</sup>

The Frenchman Semars de Bellisle, whose adventures almost equal those of Cabeza de Vaca, fell into the hands of the Karankawas between 1719 and 1721. His chronicle is interesting reading for those who care to delve exhaustively into the habits and customs of these aborigines, particularly those of cannibalism.<sup>5</sup> In 1721 another French expedition under Bernard de la Harpe undertook to found another settlement on Matagorda Bay, but was unable to land because of the fierce hostility of the Karankawas. Before he sailed back to New Orleans, the French captured several of the Indians and took them to Louisiana.<sup>6</sup>

As a result of these several attempts of the French to colonize Texas, the Marquis de Aguayo headed an expedition of Spaniards to search out the French and expel them. He reached the site of Fort St. Louis on March 24, 1722, his advance party having arrived there several days before. The Marquis established a *presidio* at the site of La Salle's old fort and at the same time and place founded a mission, Nuestra Senora de Zuñiga de la Bahia del Espiritu Santo, the first mission in Texas for the Karankawan tribes.<sup>7</sup>

What of this interesting race of aborigines which the Spaniards called the *Carancaguases* and which we know as the Karankawas? Rodnick states, "That the Karankawa have been in Texas for a very long period of time is agreed on by almost all authorities. Certainly they represent a far older stock than the Caddoans, or even the Tonkawas and the Apache [Lipan]. As far as the Comanches are concerned, it is known that they did not come into what is present day Texas until the early part of the eighteenth century. In physique, being tall and long-headed, they differ considerably from the Attakapans, the Caddoans, and the Tonkawas, who, although of medium height, were all round-headed. George Woodbury . . . has stated

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<sup>4/1</sup> Chabot, *Indian Excerpts. Morfi's Memorias*, 49 note 54

The French described the food of the tribes on St. Joseph's Island. (1718) These tribes made a bread of their own with acorns, ashes and land crabs (*tourtouroux*) mashed and pounded together, which they cooked on the coals. They ate half raw fish, crabs and oysters. In their village of about a dozen big huts, they stored their provisions for the winter, which consisted of fish which they dried without salt, and on which worms crawled in quantity. From the fiber of the pita palms and roots they made cords which they attached to the end of their darts, to secure them when piercing fish [called *daido* by the Spaniards.] They also made thin rope of the mulberry which was very strong.

<sup>5</sup> Folmer, *Semars de Bellisle*, 44 Q. 204

<sup>6</sup> Rodnick, *History of Goliad Missions and their Indians*, MS

<sup>7</sup> Buckley, *The Aguayo Expedition*, 15 Q. I, 57-58

Rodnick, *op cit.*

Note. Karankawas in 1760 killed all of English shipwrecked off Culebra Island. Nine year old boy only one saved. Castaneda, *Catholic Heritage*, IV, 220

that in his opinion the Karankawas were of the same physical build as the people who inhabited caves in the Big Bend some thousand years ago. . . . that the Karankawa were undoubtedly physically related to the oldest man found in Texas; namely, the Abilene man, who roamed Texas thousands of years ago. ". . .<sup>8</sup> Rodnick suggests that the Karankawas may have lived on the Texas coast prior to the advent of the Caddoans. He states, ". . . the round-headed Caddoans spread over the entire State. The former inhabitants were either absorbed, driven out, or crowded along the coast. Remnants of these may well be the Coahuiltecan and Karankawa groups in Southwestern Texas. . . . The Karankawa spoke a language that is related to that spoken by the Coahuiltecan bands along the Rio Grande. . . ." From the point of view of their tribal culture the Karankawa seem to share a good deal of their traits with the aboriginal Indians of Tamaulipas and Coahuila in modern-day Mexico. . . . That they occupied the same territory before the sixteenth century that they did during the seventeenth and eighteenth centuries is seen in the fact that two prehistoric sites have been found along the coast. . . ." (near Corpus Christi and Rockport)<sup>9</sup>

The range of habitation of the Karankawan tribes extended along the gulf coast, and on the islands, originally from Louisiana to well into Tamaulipas, from which fact it was first concluded that they were a very numerous and powerful nation.<sup>10</sup> The true fact appears to be that this race was never numerous, at least during the period of written history. Being nomadic by nature, these tribesmen roamed and shifted all along this vast expanse of territory and were, therefore,

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<sup>8</sup> Rodnick, *Op. cit.* Texas Archaeological and Palaeontological Society, *Bulletin* 5, 1933; Hodge, *Handbook of American Indians North of Mexico*; Gatschet, *The Karankawa Indians*.

<sup>9</sup> Rodnick, *op. cit.*; Martin, monographs on various local tribes listed on page 22, ante.

Dr. J. O. Dyer, in his *Historical Sketch: Comparison of Wild Tribes* \* \* \* with Semitic Customs, presents a study of the laws, usages and customs of the Karankawas and their similarity to ancient Semitic customs. This is a most interesting dissertation.

<sup>10</sup> Pichardo, II, 210, Morfi discussion Derrotero of Hernando de Soto. The Cances are a very numerous nation which consists of a great many different tribes, who occupy different parts of the country from the Bay of San Bernardo. They cross the Rio Grande del Norte and extend as far as the port of Vera Cruz. Chabot, *Morfi's Indian Excerpts*, 1, 2, 3. Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 127.

George C. Martin states: "The Copane was a branch of the Karankawan linguistic family which had for its principal places of residence a series of sites on a group of low hills above the mouth of Melon Creek, a confluent of Mission River. In this vicinity is a series of lakes. The tribe ranged the shores of Aransas and Copano Bays and the streams flowing thereinto. The warm weather was spent on the island of San Jose, which, in the mission records, is styled 'Isla de Coapanes'. There can be little or no doubt but what the tribe was identical with the Quevenes of Cabeza de Vaca, and with the Cobanes of the time of La Salle. In 1768 Solis wrote the name 'Coapanes', and, Riviera, in 1737, wrote it 'Copanes'. The Copane left extensive shell-heaps on the west side of Live Oak peninsula, on the north side of Copano Bay, and on the island of San Jose. Years ago other such heaps existed, but storms have carried away the banks on which they lay. The culture of the Karankawan tribes appear to have radiated from the Copane section of the coast. The sites here evidence greater antiquity than do those in the lands of the Coco, Cujan and Karankawa. It is probable that these people branched off from Copane stock. Gatschet mentions that Muklenpfordt, in his work, *Der Freistaat Mexico*, placed 'the original sites of the Karankawa between Goliad or La Bahia and Aranzaso (Aransas) and that for doing so he must have had some documentary evidence."

encountered in fair numbers at various places at different times, until they were gradually restricted to the confines between Galveston Bay and the Nueces River.

The Karankawas as well as the Lipans appear to have been expelled from Nuevo Santander into Coahuila or across the Rio Grande as the result of Escandon's Indian Campaign of 1757.<sup>11</sup> It is likely that the Lipans who were related to the Apache tribes of Coahuila, went to that province, while the Karankawas, who were fishermen, followed the coast to the Nueces and to this side. As will be seen, the Karankawas when being pressed often went west of the Nueces and to and across the Rio Grande.

The early concept of the Karankawa as a powerful nation composed of a great many tribes also has been dispelled. The Karankawan group appears to have been principally composed of the Karankawas, Cujanes, Guapites (or Coapites), Cocos and Copanes.<sup>12</sup> Numerically the group was not large. The French in the seventeenth century estimated the entire group to contain only 500 warriors.<sup>13</sup> The Spaniards in 1751 estimated the fighting strength of the group, excluding the Cocos, at the same figure.<sup>14</sup> From 1823 to 1825 Austin's colonists were continuously at war with this group, and in 1827 the colonists and government troops are said to have almost exterminated the Karankawas as a fighting force. In 1834 a force estimated at 300 braves visited Matagorda for the purpose of plundering a Mexican wagon train.<sup>15</sup> In 1835 and 1836<sup>16</sup> the number of warriors was greatly reduced by battle and assassination by the De Leon colonists<sup>17</sup> so that in the Spring of 1836, the Karankawas, according to Kuykendall, could muster only 25 or 30 warriors.<sup>18</sup> In 1842 the Texian Mier Expedition encountered 40 warriors on the Rio Grande.<sup>19</sup> In 1843 or 1844 Captain Trinidad Aldrete is said to have almost exterminated a band of Karankawas living in the vicinity of Corpus Christi.<sup>20</sup> In 1852 the citizens of Refugio County killed off several at Hynes Bay,<sup>21</sup> after which about 59 men, women, and children sought asylum in Tamaulipas.

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<sup>11</sup> Prieto, *History of Tamaulipas*, quoted 9 Q. 70 (note); Bancroft, *History of Mexico*, III, 342-346.

<sup>12</sup> Bolton, *The Founding of Mission Rosario*, 10 Q, 114-116.

<sup>13</sup> Pichardo, II, 210.

<sup>14</sup> Bolton, *op. cit.*, 115.

<sup>15</sup> Linn, *Reminiscences*.

<sup>16</sup> Muckleroy, *Indian Policy of the Republic of Texas*, 25 Q, 230.

<sup>17</sup> Kuykendall, *Reminiscences of Early Texas*, 6 Q, 253.

<sup>18</sup> Kuykendall, *Reminiscences of Early Texas*, 6 Q, 253.

<sup>19</sup> Erath, *Memoirs*, 27 Q, 44.

<sup>20</sup> Muckleroy, *op. cit.*, 25 Q, 230.

<sup>21</sup> Philip Power, *Memoirs*, MS.; W. L. Kuykendall, *Reminiscences*, MS. *Handbook of Texas*, I, 872.



A divergence of opinion exists as to the meaning of the name Karankawa. Some authorities have it that the name in English signifies "Carion-Crows", or Buzzards.<sup>22</sup> Gatschet says that the word Karankawa means "dog-lovers", or "dog-raisers", from the fact that this tribe was inordinately fond of dogs of "a fox-like or coyote-like race". He explains that names of tribes were usually originated by neighboring tribes and says, "It is of importance to know that the tribe called themselves by this same name Karankawa; for thus we are entitled to assume that they understood this application, and did not object to apply it to themselves, though it belonged to another language."<sup>23</sup> Dr. I. T. Taylor states in his *Cavalcade of Jackson County* that "the word Karankawa means, 'The Water Walkers.'"<sup>24</sup> Gatschet states on this point, "The Lipan-Apaches called the Karankawa: people who walked in the water, Nda kin dadehe", and gives other appellations applied to the Karankawas by other tribes, such as "Keles" or "Kilis" (Wrestlers) by the Tonkawa, who also called them "Yakokon kapa-i (Barefooted; without Moccasins)."<sup>25</sup>

Though the Karankawa tribe has finally given its name to the group described as Karankawan, it was not always the one best known to the Europeans or regarded by them as the leading one, for in the middle of the 18th century, four of the tribes at least, including the Karankawa, were frequently considered collectively under the name Cujanes.<sup>26</sup>

As the tribes constituting this group never occupied fixed localities, and as they mingled freely with each other, shifting their habitats from time to time, it is difficult to assign definite territorial limits to the several tribes. Yet in a general way the usual habit of each can be ascribed with some degree of certainty. The Karankawa proper dwelt most commonly on the fringe of islands extending along the coast to the east and west of Matagorda Bay; the Cocos on the mainland east of Matagorda bay about the lower Colorado River; the Cujanes and the Guapites on either side of the bay, particularly to the west of it, and the Copanes west of the mouth of the San Antonio River, about Copano Bay, to which the tribe has given its name.<sup>27</sup> Thus it will be seen that the Copanes were strictly a Refugio County tribe.

<sup>22</sup> *Lamar Papers*, IV, pt. 1, 252.

<sup>23</sup> Gatschet, *The Karankawa Indians*, pp. 43-44.

<sup>24</sup> Taylor, *Cavalcade of Jackson County*, 1.

<sup>25</sup> Gatschet, *op. cit.*, 44.

<sup>26</sup> Muckelroy, *op. cit.*, 227.

<sup>27</sup> Hodge, *Handbook of American Indians*, I, 657.

Bolton, *Anathase de Mezieres and the Louisiana-Texas Frontier*, I, 19.

Bolton, *The Founding of Mission Rosario*, 10 Q. 115.

Bolton, *Texas in the 18th Century*, 2, 3, 281-286.



These tribes, Bolton and others contend, represented perhaps the lowest grade of native in Texas. Being almost or entirely without agriculture, they lived largely on fish, eggs of sea-fowls, alligators, and syloan roots and fruits, although they hunted buffalo and other game to some extent in the interior.<sup>28</sup> They are generally known as "fishermen" Indians. (*Gente des Pescado*).<sup>28/1</sup> They led a roving life and, therefore, built only temporary habitations, consisting usually of poles covered or partly covered with reeds or skins. The Karankawas, in particular, as has been said, dwelt on the islands; but during the hunting season and the cold winter months they migrated to the mainland. For these migrations they used canoes, which they managed with skill.<sup>29</sup> When the Comanches made periodic incursions to the coast, they used the canoes to escape to the islands and from the hands of their oppressors.

The history of the Indians, like that of the Carthaginians has been written by their enemies. Such being the case, their true character has suffered at the hands of enemies or those who had no comprehensive knowledge thereof. Probably no tribe more than the Karankawa has been more maligned or misrepresented by its historians. Again the accounts of this group are conflicting in many material particulars. Having no brief for or against the Karankawas, we will try to sift the truth concerning them from the maze of conflicting accounts.

Most authorities agree that the men were gigantic in stature, being not less than six feet in height and often approximately seven feet. Castaneda states "The men were tall and well formed, the women shorter and fleshier. Their hair was very coarse and the men usually wore it long, reaching sometimes as low as their waist." Owing to the fact that they went bareheaded, the hair acquired a reddish hue. Hodge states that head-flattening and tattooing were practiced to a considerable extent. The men were strong and powerful physically and very athletic, excelling in wrestling, swimming, canoeing and archery. Each warrior carried a bow of remarkable size, the size of himself, which required great strength to wield. They could shoot an arrow with deadly accuracy to a distance of almost a hundred yards.<sup>30</sup> Although their only weapons were the bows and

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<sup>28</sup> Castaneda, *Catholic Heritage*, III, 3-4.

Mucklerov. *op. cit.*, 25 Q. 230.

Bolton, *The Founding of Mission Rosario*, 10 Q. 115

<sup>28/1</sup> Pichardo. I. 138

<sup>29</sup> Bolton, *op. cit.*, 115.

<sup>30</sup> Castaneda, *Catholic Heritage*, III, 3-4.

Bolton, *Founding of Mission Rosario*, 10 Q. 115.

Gatschet, *The Karankawa Indians*, 56-58.

Rodnick, *History of Goliad Missions and their Indians*, MS

Duval, *Early Times in Texas*, 26 (add excerpts)

Kenney, *Tribal Society Among Texas Indians*, 1 Q. 28.

arrows (Duval says in 1836 some were armed with old flint locks), their island asylum and their skill with canoes made them unassailable in retreat, while horses secured from the Spaniards increased their offensive strength.<sup>31</sup>

In 1836, John Crittenden Duval, enroute with his brother's company from Refugio to Goliad, met with a party of Karankawas, probably at Nicolas lake. He relates:

... "but as we got a late start, we only made 20 miles or so by sunset, and pitched our camp near a pool of fresh water, under the shelter of some spreading live oak trees. Here we found encamped a band of the Caranchua tribe of Indians, at that time preferring to be friendly to the Americans. We were told that these Indians were cannibals, that they always devoured the prisoners they took in their conflicts with their enemies. They were the largest Indians I have ever seen, scarcely a man among them being less than six feet high, and many of them over six feet. The men were entirely naked, saving a breech cloth fastened around the waist, and being hideously painted, one can readily imagine that they presented a most ferocious and savage appearance. Their language was the most peculiar jargon of guttural sounds I have ever heard, the words seeming to be articulated by some spasmodic action of the throat without any aid from the tongue or lips. They were armed with long lances, bows and arrows, and a few with old flint-lock muskets.

"These Indians sometime afterwards captured several Americans and killed and "barbecued" them, which so enraged the settlers that they organized an expedition against them and succeeded in exterminating the whole tribe with the exception of a small remnant that fled to Mexico. These Caranchuas, I believe, were the only Indians known to be cannibals, on the North American continent."

The appearance of this group, as described by most of those who came in contact with them, was far from flattering. As generally described, the men were entirely naked, saving a breech cloth fastened around the waist. They always went without moccasins, striding through briars unharmed, making such tracks as would hardly be attributed to a human being. They were tattooed and hideously painted and presented a most ferocious and savage appearance. Some have described their movements as sluggish, and their faces ugly and rendered even more hideous by the coating of alligator

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<sup>31</sup> Mucklerov, *Indian Policy of the Republic of Texas*, 25 Q. 230.  
Duval, *op. cit.*, 26

grease which besmeared their bodies from head to foot and which was used as a defense against mosquitoes.<sup>32</sup>

On the other hand it is stated that their bodies were usually kept clean by constant contact with salt water in fishing and swimming. Those of us who have lived long enough on the coast can well appreciate the discomfort and dangers to health and life itself which come from the gigantic "gallinipper" mosquitoes which are indigenous to this region, and the poor savages can hardly be blamed for using the only protective measure which occurred to their primitive minds. The stench which the alligator grease produced rendered the coastal Indians obnoxious to the whites as well as to the inland Indians.

Castañeda, following the great majority of the writers on the subject, states of the Karankawa, "Their appetite for human flesh is attested by all who came in contact with them from the time of Cabeza de Vaca to as late as the Anglo-American period of colonization."<sup>33</sup> The Karankawas have been charged with being a Cannibal tribe, and, moreover, the *only* cannibal tribe in North America. As will be hereinafter seen, the Lipan-Apaches and Tonkawa were also accused of this reprehensible vice. Neil Imon and other Refugio County explorers have stated that they have found charnel pits and evidences of charred human bones at old Karankawa camp sites along the coast. That the Karankawas ate human flesh there can be no doubt, but whether they did so for sustenance or as a religious custom is open to debate. Gatschet states broadly that "the authentic and documentary proofs that all the original (not all the intrusive) Texan tribes were man-eaters are too numerous to permit any doubt of this fact."<sup>34</sup> Ramsdell, Jr. asserts

"A distinction must be made between the ceremonial cannibalism that was common in Texas, and the use made of human flesh as a food. The Karankaways certainly did not use it for that purpose. The title of 'fierce cannibals' should have gone to the Lipan branch of the Apache race. The Lipans, it seems, did eat their enemies for the fun of it, or simply because they were hungry. And the Spanish governor of Texas in 1773 observed that the only Indians who never ate human flesh were the Comanches. But there is some evidence that they also practiced the ceremonial form of cannibalism on their

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<sup>32</sup> Duval, *op. cit.*, 26.

Burnham, *Reminiscences*, 5 Q. 16, note.

Smithwick, *Evolution of a State*.

In the notes to Davenport and Wells, *First Europeans in Texas*, 22 Q. 134-142, have been collected copious notes and excerpts concerning descriptions and manners and customs of the Karankawa. See also p. 282.

Duval, *Early Times in Texas*, p. 26.

<sup>33</sup> Castañeda, *Catholic Heritage*, 3-4.

Duval, *Early Times in Texas*, 26.

<sup>34</sup> Gatschet, *The Karankawa Indians*, 27.

captives later on. Perhaps they acquired the custom from other tribes, and it would be strange if the Karankaways also did not acquire it at some time. They had some especially repugnant vices of their own, but they did not make a habit of eating their own kind. No doubt they preferred rats.

"There are many documents in the Spanish archives reporting the crimes of the Karankaways and among them are innumerable murders, but there is no instance of their having disposed of any of their victims by making a meal of them. In all the hundreds of manuscript pages that describe their misdeeds throughout the Eighteenth century, there is only one reference to their alleged cannibalism, and that was made by the Count of Galvez, who had never been in Texas. . . .

"The favorite crime of the Karankaway was not cannibalism but robbery. . . ." <sup>35</sup>

It seems that the first Europeans to visit Texas (members of the Narvaez expedition) themselves committed the first recorded acts of cannibalism in the coastal area. The accounts of Cabeza de Vaca and Oviedo, all confess that the survivors of the expedition became so famished that they resorted to eating each other and that when the INDIANS (Karankawas at that) discovered this fact, "*they were horrified at the terrible aspect* and would have put all the rest of the Spaniards to death, had they found this condition sooner." <sup>35/1</sup>

The Karankawas have been also described as fierce, brave, and warlike. Treachery is given as a predominant characteristic. It has been broadly and generally stated that they were an unfriendly people and were cordially hated by every other Indian tribe. As some writers express it, The hand of the Karankawa was against everyone and everyone's hand was against him. <sup>36</sup> The charge of undue treachery is, perhaps, true. However, this tribe seems to have been particularly abused by the first Europeans to reach Texas in force. The statement is made that the Spaniards made slaves of them <sup>37</sup> and that the French kidnaped them. In the Magee-Gutierrez expedition of 1812, it is said that the American auxiliaries wantonly massacred a number of the tribe, and, as Ramsdell, Jr., expresses it, "for more than ten years after that the Karankaways would go out of their way to ambush and murder the American colonists, who naturally developed a horror of

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<sup>35</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 35-36.

See *Encyclopedia Britannica*, "Cannibalism," 10th Ed. IV, 745-6, for distinction in motives of anthropophagy.

<sup>35/1</sup> Castaneda, *Catholic Heritage*, I, 59, also 58.

<sup>36</sup> Lamar Papers, IV, pt. 1, p. 252.

<sup>37</sup> Pichardo, II, 210.



them. . . ."<sup>38</sup> From their first sad experiences with the white-men the Karankawas evidently made it their policy to take no chances.

The Karankawas appear to have been warlike, but not overly so. The earliest accounts state that they were "friendly and kind to all other Indians," and again that "they are friendly with all the rest of the Indians with the exception of the Hietanes or Comanches".<sup>39</sup> The Karankawas lived neighbors to the Lipans for more than a century. Each tribe freely crossed into the other's range; yet the two tribes appear to have lived in peace and associated with each other. In fact they had an alliance.<sup>39/1</sup> Until the Tonkawas were induced by the Mexicans in the 1830s to treacherously attack the Karankawas, the two tribes appear to have gotten on well enough together and were often allies. On their eastern flank the Attakapas and Karankawas dwelt in harmony and cooperated with one another. The only real enemy the Karankawa seems to have had was the Comanche, arch-enemy alike to the Karankawa and the Lipan. It appears true that the Karankawas did not get along well with the other Indians at Rosario Mission, but their disagreements did not amount to warfare.

The Comanches were the bane of existence of the Karankawa.<sup>40</sup> Far more numerous than the locals, these hill men came down periodically from the northwest, year after year, scourging the country. There are traditions of pitched battles between the tribes in which the coast Indians were usually worsted. Several such attacks were made between 1800 and 1814, while the Karankawas were at Refugio Mission.<sup>41</sup> Ordinarily, however, when the Comanches came down, the Karankawas took to their canoes and remained on the islands until the invaders had departed. In the Comanche raid of 1830, a battle took place in this county in which one of the Karankawa chiefs was killed.<sup>42</sup>

The language and manner of speech of Karankawan tribes always has been a source of interest to ethnologists and philologists. In Gatschet's, *The Karankawan Indians* has been preserved a partial dictionary of the language of this now extinct race.<sup>43</sup> The similarity of the language with that of the Coahuiltecan tribes already has been

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<sup>38</sup> Ramsdell, Jr., *Spanish Goliad*, MS. 36.

<sup>39</sup> Gatschet states, p. 30, "The ferocity of the Karankawas is easily accounted for, when we consider the brutalities which they experienced at the hands of the white people who came to deprive them of their fishing ground and coast tracts, and moreover interfered with their family connections." LaSalle's men took their canoes away from them, (p. 25) Lafitte's men abducted Karankawa women (p. 30), etc.

<sup>39/1</sup> *Pichardo*, II, 210.

<sup>39/1</sup> Kenney, *Tribal Society Among Texas Indians*, 1 Q. 28.

*Lamar Papers*, IV, pt. 1, 252.

<sup>40</sup> *Lamar Papers*, IV, pt. 1, 252.

<sup>41</sup> Oberste, *History of Refugio Mission*, 246.

<sup>42</sup> Teal, *Reminiscences*, 34 Q. 321.

<sup>43</sup> Gatschet, *The Karankawa Indians*, 72 et seq.

commented upon. Their speech is said by most to have been an almost inarticulate guttural, impossible of imitation, and the lowest form of human speech.<sup>44</sup> An examination of the words contained in the dictionary does not indicate a harsh language.

As has been pointed out, the Karankawan group consisted of five principal tribes, among which were the Copanes, which was the only one of the group which permanently made its home in Refugio County. The name of the Karankawa, which was the most important tribe of the group, has been applied indiscriminately to all of the tribes of the group, and especially so in the case of the Copanes, to their great prejudice. The fact that a tribe belonged to a certain group did not necessarily mean that it had all the vices or virtues attributed to the dominant group. The Karankawas proper and the Cocos may have deserved in large measure the hard reputation associated with the appellation, but the Copanes appear to have been far superior in virtue and character to the Karankawas and Cocos, as the facts will reveal. Again the Copanes were often led by blind devotion to national loyalty into situations which they originally opposed. The facts reveal that the Karankawas and Cocos were the tribes which provoked the wars with the colonists, contrary to the policy of the Copane chieftains, and thereby brought down disaster upon the Copanes.<sup>45</sup> All Karankawa tribes appeared alike to the American colonists. As explained by Kenney, "Taking a low tribe for an example, it was divided first into two bands or brotherhoods. The members of each were prohibited from marrying in their own band, but had to seek a husband or wife, as the case might be, in the opposite division. Thus the bands were continually changed and perpetually renewed. The Carankawas were divided into two such bands, each with a chief. The only two of whom we have any knowledge did not agree in the policy they were to pursue toward the white people. But tribal law did not admit of separation; and the advocate of peace was overruled, and all involved in a common disaster."<sup>45/1</sup>

To illustrate the distinction and distinguishing features of the Copanes, we have the account of one of our own colonists who lived among the local Indians from the Colonial period until the Indians left the country. Near her father's home was the big Karankawa

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<sup>44</sup> Kenney, *Tribal Society Among the Texas Indians*, 1 Q. 28.  
Duval, *Early Times in Texas*, 26

<sup>45</sup> Rather, *DeWitt's Colony*, 8 Q. 134.

<sup>45/1</sup> Kenney, *Tribal Society Among Texas Indians*, 1 Q. 30.

camp ground at Mesquite Landing. Mrs. Annie Fagan Teal, who refers to her subject as "Karankawa," narrates:

Four different Indian tribes lived in this (the San Antonio river) section of the county: Lipans, Tonquways, Comanches and Caranchuas. The latter would hire their labor to the white settlers. Nicholas Fagan (Mrs. Teal's father) employed them to harvest crops and perform chores. The value of their labor was reckoned at so many jugs of whiskey. The tribe were wise enough to "divide the drunk," half getting beastly drunk while the other stood guard. When the first sobered up they would stand guard while the others got drunk.

Mrs. Teal remembers the Caranchuas as a comely set of people, similar to the Lipans, both of whom dressed with some attempt at imitation of the whites; the other tribes around retained their own peculiar dress.

She relates that the Sidick, Fagan, Teal and McDonough families formed a little colony of their own, living quietly and peacefully on their ranches and in time became owners of immense tracts of land and large herds of cattle. Houses were ten or twelve miles apart. Surrounded by Mexicans and Indians, they learned to fear neither, as they were never harmed during all the long years they lived among them. Women and children went from house to house, or roamed over the broad prairie without accident or harm. Soon after coming to the county, Annie Fagan (the narrator) and two other young girls passed a Caranchua camp; the Indians were making beer and beckoned the girls to come. Afraid to go, more afraid to run away, they stood irresolute, until one, braver than the rest, walked into the camp. Seeing she was not brained and scalped, the others took courage and joined her. Although the calumet was not passed to them, the beer was, which they cautiously drank from the filthy cup, and so sealed their friendship with the tribe.

Mrs. Teal says the Indians would test the friendship of the whites by sending one of their number, perhaps a young boy, to a house at nightfall; he would claim to be lost, and ask for a night's lodging. If he returned the tribe never would harm that family, but say: "He good white man; he no kill lone Indian." But woe unto the house where one was killed. One went to the house of Don Juan Hernandez one night, and unknown to the family was killed by the Mexican hirelings on the place. Hernandez was compelled to flee the country, much of his property was destroyed, and two Mexicans killed.

Annie Fagan and Peter Teal were married at her father's home, on the San Antonio river, in January 1833. Among the specially

invited guests were Prudentio, the Indian chief, and Rose Marie, his wife. In the course of the evening as the latter was sipping from a glass, Prudentio came to her and in Spanish said: "You are drinking too much." In the same language she replied, "Well, it is the cowboy's feast." She also mentions the courage and dignity of Chief Antonique.

Mrs. Teal was familiar with many of the customs of the different tribes around them.

In 1830 the chief of one tribe was killed by marauding Comanches. His tribesmen at sunset placed a skin on the ground in effigy of their fallen chief. They stood around and sang or wailed a mournful dirge all the night long, never once sitting down, nor scarcely changing their positions. The dirge sounded plaintively sweet on the still night air. At sunrise the survivors sat around this effigy in three rows: The Indian highest in authority spoke to them earnestly, pointing towards heaven, then went to each man, laid hands on his head and stroked it down. Soon as this ceremony was over, all arose; the skins were taken reverently up, and the whole tribe moved silently away and did not return for many years.

At their feasts, the Indians would take the choicest piece of meat, offer it to the "Great Spirit," then to the "Four Winds," after which it was buried and so given back to "Mother Earth", who gave them all of good. Whenever the Indians happened to a misfortune in a place, they would leave the neighborhood and not return for several months, perhaps for years.<sup>46</sup>

The distinction which has been attempted to be drawn is further illustrated by the difference in the character of well known Karankawa chieftains: Llano Grande, Prudentio Miguel (McGill) and Antonito (Antonique) on the one hand<sup>47</sup> and Fresada Pinto, Chepillo, Antonio, and Jose Maria (all of those by that name), on the other.<sup>48</sup> The first three who were of the Copanes were wise, just, and noble men, of handsome mien and fine dignity. They responded to the work of the missionaries and were welcome guests in the homes of the whites. The four last named were chief of the Karankawas and Cocos and from all accounts were veritable devils and trouble-makers.

In the accounts we find many contemporaneous Karankawa chiefs. This was due to the fact that each tribe was divided into bands, usually two, each with his own chief.<sup>49</sup> Gatschet states that each tribe

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<sup>46</sup> Teal, *Reminiscences*, 34, Q. 321.

<sup>47</sup> *Lamar Papers*, IV, pt. 1, 252.

Teal, *op. cit.*, 34, Q. 321.

<sup>48</sup> Oberste, *History of Refugee Mission* (generally).

Gatschet, *The Karankawa Indians*, 48.

As to the Jose Maria of 1778, see Ramsdell, Jr., *Spanish Goliad*, MS 40-42 Jose Maria (1789), Oberste 18; Jose Maria (1836), Gatschet 47.

<sup>49</sup> Rodnick, *Goliad Missions and their Indians*, MS 25-27.



was ruled by two kinds of chiefs: civil (whose succession was hereditary in the male line) and war-chief, probably appointed by the civil chiefs.<sup>50</sup> According to other accounts all chiefs (*tamas*) were elected.<sup>51</sup> There appears to have been a group chief or governor.

The history of the Karankawa tribes insofar as it affects the base area with which we are concerned will be traced from the date of the founding of the Mission at LaSalle's fort-site in 1722. It might be here interpolated that the Karankawans share with the Apaches, Lipans and other southwestern tribes the legend of the "woman in blue", who is said to have visited the Texas Indians and introduced them to Christianity and some of the useful arts. She is said to have called the Karankawas "the Kingdom of the Theas." According to Catholic historians, this woman was the Spanish nun Maria de Agreda, who never visited the Indians in actual flesh, but had the power to send her spirit to the new world while her body remained present in her nunnery in Spain. The Indians, however, saw her spirit as a bodily being, and although she spoke to them in Spanish, they heard her in their respective native dialects. These visits are said to have commenced in 1630 and to have been repeated from time to time during a period of several years.<sup>52</sup> Despite being co-beneficiaries of this miracle, the Karankawas and Lipans never yielded to any considerable extent to the more direct influence of the later missionaries. All sources agree that they as a body remained impervious to conversion and civilization. The missionaries so far as these tribes are concerned began in hope and always ended in despair. Of all the Karankawan group the Copanes seem to have lent themselves best to conversion. In 1726 Zuñiga Mission was moved to present Mission Valley on the Guadalupe, and in 1749 to La Bahia (present Goliad). In 1754 Rosario Mission was founded near Goliad as a separate institution for the Karankawan group. It does not appear to have actually functioned until 1764.<sup>53</sup> In the meantime we hear of Karankawas being at the San Antonio-de Valero Mission (Alamo) in 1762.<sup>54</sup> The few Karankawas who were induced into Rosario Mission left amid tumult and turbulence within a few years and rejoined their brothers on the coast.<sup>55</sup> Then began an open warfare

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<sup>50</sup> Gatschet, *The Karankawa Indians*, 63.

<sup>51</sup> Rodnick, *op. cit.*, 26-27.

<sup>52</sup> Castaneda, *Catholic Heritage*, I, 195-203.

Kennedy, *Tribal Society Among Texas Indians*, 1 Q. 29.

<sup>53</sup> Bolton, *Founding of Rosario Mission*, 10 Q. 132-133.

Bolton, *Texas in the 18th Century*, 303-324.

Ramsdell, Jr., *Spanish Goliad*, MS 37-39.

<sup>54</sup> Castaneda, *Catholic Heritage*, IV, 6.

Ramsdell, Jr., *Spanish Goliad*, MS 37.

<sup>55</sup> Solis, *Diario*, in *Memorias de Nueva España*, XXVII, 256-259, quoted in Bolton, *Texas in the Mid-18th Century*, 323.

between the Karankawans and the Spanish, which lasted from about 1768 to 1787, a rather bloody affair, in which both sides suffered bloody losses.

The chief of the Karankawas at Rosario was Jose Maria, one of several chiefs of the same name. While at the mission he had been made the "Indian governor" and "alcalde". Conceiving that his people were being mistreated by the soldiers and the missionaries, he led them from the mission to their old haunts, and the bloody work started. The Indians obtained firearms from a Spanish ship left in Matagorda bay. They then skulked along the coast waiting for ships which were frequently wrecked in that area. In 1768 they killed a large number of ship-wrecked Spaniards who had managed to get ashore on Matagorda or St. Joseph's Island. They buried their victims in two large pits.<sup>56</sup>

In 1770 the Spanish authorities began to consider the assembling of a large force for a full-scale war against the Karankawans,<sup>57</sup> but such action was delayed. The bloody border war still continued. The war reached its height with the tragic murder of Louis Landrin and all of his party of explorers on Matagorda bay on March 20, 1778. Landrin was a famous French mariner from Louisiana, who had come to explore the Texas coast under the protection of the Spanish flag. Chief Jose Maria by cunning stratagem got aboard the vessel and treacherously murdered Landrin and his entire crew, save one Yucatan Indian, whose life was spared.<sup>58</sup> This outrageous massacre moved the noted Athanase de Mezieres to propose a plan to the Commandant General of the Interior Provinces for the extermination of the Karankawan tribes. The plan, evolved in 1779, contemplated the joint action of Spanish soldiers from both Texas and Louisiana.<sup>59</sup> Nothing was done, however, until 1783, when Curbello, the Spanish governor of Texas, *declared formal war* on the Karankawas, and led a number of expeditions against them. The Spaniards made no headway. The Indians had recourse to their time tested strategy of taking to their canoes and seeking asylum on the islands, to which the Spaniards were unable to follow them.

Thus the long war went on, to the discomfiture of the Spaniards, until a new governor took the helm. Governor Rafael Martinez Pacheco, in 1787, "decided that the best idea would be to make peace with chief Jose Maria. So he invited him to San Antonio, sent him an escort, fired a salute when the chief made his entrance into

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<sup>56</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 36-37.

<sup>57</sup> Rodnick, *History of the Goliad Missions and their Indians*, MS, 9.

<sup>58</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 40-42.

<sup>59</sup> Rodnick, *History of the Goliad Missions and their Indians*, MS, 9.

the city and gave his followers numerous presents. Jose Maria confessed himself, went to mass and shed tears of repentance".<sup>60</sup> He promised to go back to his people and bring them into subjection. Sergeant Perez and a detachment of soldiers were sent back with him. The parties came near the coast and pitched camp, and there remained for several days. The sergeant, becoming impatient of the delay, demanded an explanation from the chief. The only explanation he received was a shot through the body. The Spanish troops fired upon the Indians and fled back to La Bahia. The war was immediately resumed. In the beginning of 1789 the Spanish and Karankawas had "a real battle" in the vicinity of Goliad, and so the war went on.

In the fall of 1789 the Copanes and Cujanes suggested to the commandant at La Bahia that they were ready for peace and were willing to enter a mission if one was provided for them.<sup>61</sup> This was probably the inspiration for the establishment of the Mission of Nuestra Señora del Refugio,<sup>62</sup> the history of which will appear in a subsequent chapter. With the projection of Refugio Mission in 1791, the general war with the Karankawas of this section seems to have ended; and their history until 1822 is merged with that of the mission, with the exceptions which will be now noticed.

The long wars with the Spaniards undoubtedly took a heavy toll among the coastal Indians, which was probably the reason for several readjustments and amalgamations among the various tribes. In 1781 the Cocos and the Muleyes, a Tonkawa tribe, united and intermarried. There were a number of other amalgamations, among them that in 1807 of the merging of some of the Karankawas and Cocos with the Barrados, a Coahuiltecan tribe.<sup>63</sup>

During the Magee-Gutierrez expedition a number of Texas Indian tribes were drawn into the conflict by both sides. These included the Comanche, Cooschattie, Lipans, Twowakana.<sup>64</sup> The Karankawas do not appear to have taken either side, being, perhaps, deterred by the incident now related. The Republican army in its advance upon Goliad happened upon a band of Karankawas, and the American troops are said to have massacred a number of the tribe, which act caused undying hatred on the part of the Indians for the Americans.<sup>65</sup>

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<sup>60</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 43-44.

<sup>61</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 43-44.

<sup>62</sup> Oberste, *History of Refugio Mission*.

<sup>63</sup> Rodnick, *History of Goliad Missions and their Indians*, MS.

<sup>64</sup> Yoakum, *History of Texas*, I, 165-166.

Lanier, *San Antonio de Bexar*, corner, 78.

Winkler, *The Cherokee Indians in Texas*, 7 Q. 96-97.

<sup>65</sup> Ramsdell, Jr., *Spanish Goliad*, MS, 36.



In June, 1817, General Mina, with whom was a considerable body of American soldiers of fortune, landed on the coast of Matagorda Bay and went into camp. The Karankawa Indians gave them a hostile greeting, exchanging shots with them, killing ten of the invaders. The Indians reported the presence of the filibusters to the commandant of Goliad and in the meanwhile harassed Mina's camp until he was compelled to reembark on his ships. The Indians took possession of the camp the spoils including, among other things, some holy vessels and ornaments.<sup>66</sup> The Indians do not appear to have opposed Long's expedition, although he landed near one of their largest camps; but Father Oberste records the brutal murder a short time later of three Americans, one Spaniard, and one negro, within sight of Refugio Mission. The victims were sailors, who had been taken by the Indians on Padre Island. They brought them safely to the vicinity of the mission and shot them.<sup>67</sup>

Austin's colonists began to arrive late in 1821, and some of them came by way of the coast. The schooner *Lively* was wrecked off the coast and the survivors fell into the hands of the Karankawas. Most of the colonists were killed by the savages, but strange to say, they escorted a few of them to the place of their destination.<sup>68</sup> While a few acts of kindness by the Indians to the colonists are to be found in the records, the Karankawas attacked and killed many of the newcomers and plundered the stores left along the coast. In this way began the wars between the Karankawas and the Austin colonists, which later included the De Witt and the de Leon colonists. As these wars did not generally or directly concern Refugio County, the details will be omitted.

In 1825 Colonel Austin conducted a general campaign against the Karankawas and the Tonkawas. Leaving one of his captains to seek out the Tonkawas along the Colorado, the empresario in person led a strong force of colonists in the direction of Goliad, with the object of striking the Indians west of the San Antonio or on Copano Bay.<sup>69</sup> Austin's army appears to have met with the Indians between the Guadalupe and Goliad and severely defeated them. He proceeded to follow them to the coast. The Indians appealed to the priests and civil authorities at Goliad for protection. The civil author-

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<sup>66</sup> Hatcher, *Letters of Antonio Martinez*, 39 Q. 144-146, 228, also 142.

Oberste, *History of Refugio Mission*, 282 (slightly different version).

<sup>67</sup> Oberste, *op. cit.*, 291-295.

<sup>68</sup> Bugbee, *What Became of the Lively?* 3 Q. 145-146.

See Brown, *History of Texas*, I, 113-114 (note) for account of Adventures of Colonist White and two Mexicans who were canoeing down the San Antonio (7) river to the mouth of the Colorado, when they were captured by the Karankawas.

<sup>69</sup> Brown, *History of Texas*, I, 113-115.



ities took their part and despatched letters to Bexar, accusing Austin of persecuting the Indians. Pending the outcome of this representation, the clergy and civil authorities sent an express to Colonel Austin, with an invitation that he repair to Goliad to make a treaty with the Karankawas, who were "good Catholics and belonged to the churches at Refugio and Goliad." The express met Austin at the Manehuila creek. Austin went with a few friends to Goliad, where he conferred with the authorities and outlined the terms of a treaty acceptable to him. Following this all the parties assembled at Manehuila Creek, about four miles east of Goliad, there being present the priest and civil authorities, about 300 or 400 Karankawa men, women, and children, and Austin and his troops. There the treaty was drawn up and signed, although it would seem that the treaty fully executed was sent to Austin by the alcalde a few days later. This treaty was kept by the Copanes and by most of the other Karankawas for about two years.<sup>70</sup>

Father Oberste adds that, despite all assurances given by the *padre* Diaz de Leon "and the alcalde [of Goliad] to Austin, the Indians had not kept their pledge. The Karankawas were again harassing and attacking the Americans whenever opportunity permitted. Austin gave a new order in September (1825) to pursue all the Indians whom they might discover, excepting the people belonging to Chief Prudencio. This chieftain was warned not to remain west of Buffalo Bayou with his people, as it was an impossibility to discover any distinction between friends and enemies as long as both mingled together."<sup>71</sup>

These further troubles appear to have been caused by the Cocos and part of the Karankawas proper. Antoñito was joint chief of both tribes. The Mexican government took cognizance of the troubles and sent General Anastacio Bustamante (afterwards president) to Texas with a large body of troops to cooperate with the colonists of the Austin, De Witt, and de Leon colonies in a war of extermination against the offending Karankawa tribes. The campaign was prosecuted with vigor and ruthlessness, the Indians were beaten and broken with tremendous losses and driven into Matagorda Bay, where many perished in the water. About one-half of the Cocos and Karankawas were killed. The survivors sued for peace.<sup>72</sup>

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<sup>70</sup> *Lamar Papers*, IV, pt. 1, 245-246, 256.

Oberste, *History of Refugio Mission*, 309-312. There appears from this to have been two treaties signed at Goliad, one on October 1, 1824, and the other in 1825.

<sup>71</sup> Oberste, *op. cit.*, 310-312.

<sup>72</sup> *Lamar Papers*, IV, pt. 1, 245-246, 256; see also 5 Q. 15 (note).

General Bustamante, Martin de Leon, Fernando de Leon, Manuel Becerra, Stephen F. Austin, James Kerr, Green De Witt, and Jacob Betts, representing the government and the three colonies, Chief Antoñito representing the Karankawas and Cocos, and Fathers Miguel Muro and Jose Antonio Valdez representing the missions, with Colonel Mariano Guerra, as secretary, met at Victoria to discuss a treaty. On May 13, 1827, a formal treaty was drafted and signed by all of the parties named.<sup>73</sup> The power of the Karankawa nation was broken, never to recover.

In Father Oberste's history of the mission are accounts of numerous raids by the Comanches into this area during the mission period.<sup>74</sup> There is the tradition of many bloody fights between the Karankawas and the Comanches, but there seem to exist no contemporary records, giving dates and details. Mrs. Teal states that in 1830 the Comanches came into this territory and attacked the Karankawas and killed one of their chiefs (name not given). She describes vividly the impressive obsequies held in honor of the fallen chief.<sup>75</sup> From that time on the Comanches appear to have intensified their incursions into this part of the state, and this was particularly true after the Texas revolution.

Following the Comanche raid of 1830, the Karankawan group appears to have become more active in its depredations. In April 1830 they raided the Villita of Refugio, and are said to have injured the mission, then abandoned in reality. In October and November of the same year, the Karankawas attacked Goliad and the Austin settlements. In 1831 they raided the vicinity of Victoria and killed some Mexicans on the Hernandez ranch on the west side of the San Antonio River, and a force was sent out of Goliad to destroy them.<sup>75/1</sup> According to Mrs. Teal, the troops and militia followed the Indians to the San Antonio, but as they came up, "Antonique, their chief, had formed into a 'V' to receive them." The troops, discovering the ambush, "retreated with celerity."<sup>75/2</sup> In 1832 and 1833 they again raided around Victoria, stealing and killing cattle.<sup>76</sup> All of these depredations appear to have been the work of the Karankawas proper and the Cocos, under their chief, also named Jose Maria. The Copanes under Prudentio seem to have been peaceful, as Mrs. Teal tells us that in January, 1833, the chief and his wife attended her wedding as specially invited guests.<sup>77</sup>

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<sup>73</sup> *Austin Papers*, I, 1639-1641.

Rather, *History of DeWitt's Colony*, 8 Q. 134.

<sup>74</sup> Oberste, *History of Refugio Missions*.

<sup>75</sup> Teal, *Reminiscences*, 34 Q. 323.

<sup>75/1</sup> Rodnick, *History of Goliad Missions and their Indians*, 12-13.

<sup>75/2</sup> Teal, *op. cit.*, 322.

<sup>76</sup> Rodnick, *History of the Goliad Missions and their Indians*, 12-13.

<sup>77</sup> Teal, *Reminiscences*, 34 Q. 320.

In August, 1833, an expedition was sent from Victoria to the San Antonio River to chastise the Indians.<sup>78</sup> This is probably the expedition which Mrs. Teal describes, of which she says that at Anaqua the river settlers successfully intervened in behalf of the Indians and prevented a battle.<sup>79</sup>

The year 1834 was a busy one for the Karankawas. In the early part of the year they threatened to attack Major James Kerr's surveying party near the mouth of the Guadalupe, but were diverted by a ruse of the old pioneer.<sup>80</sup> Sometime later a force estimated at 300 warriors visited Matagorda with the object of plundering a pack train which had just arrived from Mexico. The American colonists rallied in such force that the Indians left without a fight.<sup>81</sup> They then resumed depredations around Victoria. The de Leon colonists hit upon the scheme of exterminating the Karankawas by poisoning them. They applied to a certain source for a supply of poison, but that party, divining the purpose, gave de Leon cream of tartar instead of arsenic. A large quantity of boiled corn was the medium adopted for giving the supposed poison, and the Indians called in for the feast. The hominy was "charitably" distributed to the red men, who took it to their nearby camp and ate it. The next morning, to the astonishment of de Leon, the Indians presented themselves and, like Oliver Twist, asked for more.<sup>82</sup>

The next move of de Leon was to form an alliance with the Tonkawas, who had hitherto been friendly to the Karankawas. De Leon instigated the Tonkawas to treacherously assassinate their old friends, which they agreed to do. They met with a band of Karankawas near Goliad, and the two tribes conferred over a joint attack by them on de Leon's colonists. The Indians then held a feast during which they got intoxicated. The Tonkawas had a small boy slip among the bows of the unsuspecting Karankawas and cut the strings. Having made their victims defenseless, they suddenly rose against them, stabbing eleven or twelve of the Karankawas to death. The Tonkawas scalped the victims and took the scalps to de Leon and held a "scalp dance" on the market square.<sup>83</sup> Later in 1834 Captain Placedo Benavides mustered a company of Mexican and American settlers and fought a pitched battle with the Karankawas at Green Lake. The colonists

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<sup>78</sup> Rodnick, *op. cit.*, 13.

<sup>79</sup> Teal, *op. cit.*, 322.

<sup>80</sup> Brown, *History of Texas*, I, 115, note.

<sup>81</sup> Muckleroy, *Indian Policy of the Republic*, 25 Q. 230.

Kenney, *History of the Indian Tribes in Texas*, in Wooten, I, 727.

<sup>82</sup> Kuykendall, *Reminiscences of Early Texans*, 6 Q. 253.

<sup>83</sup> Rodnick, *Goliad Missions and their Indians*, 13.

Teal, *Reminiscences*, 34 Q. 322.

Kuykendall, *op. cit.*, 6 Q. 253.

probably had a few Tonkawas with them. The Karankawas fought bravely but were defeated. Samuel Addison White, who was surveying for Power and Hewetson's colonists on the San Antonio River, was in this fight.<sup>84</sup>

During the Texas Revolution the Karankawas shifted sides frequently. In its first stages they ravaged the Navidad settlements,<sup>85</sup> but on October 27, 1835, Dimmitt reported that he had "succeeded in calling the Karankawa Indians in from their work of destruction which they had commenced among the stock, on the Navidad and Guadalupe. We have engaged them to remain neutral during the present contest and to retire to the Banks of the San Antonio till the pleasure of the Com. in Ch. shall have been communicated to them, in such manner as he may dictate."<sup>86</sup> The Karankawas then appear to have joined the Texans.<sup>87</sup> They are said to have formed a part of Niell's garrison at the Alamo,<sup>88</sup> and there is a tradition that some of them were with Travis and were among the victims of the Sixth of March.<sup>89</sup> However, it is generally stated that one party of Karankawas operated with Captain Carlos de la Garza, the Refugio tory, in March, 1836, and fought with the Mexican army against the Texians at the Battles of Refugio,<sup>90</sup> while another party fought on the side of the Texians at Dimmitt's Landing at the mouth of the Lavaca a few weeks later.<sup>91</sup> At any rate Guadalupe, son of chief Jose Maria, and at the time only about 19 years old, was captured by Urrea's army and, in spite of his youth, was put to death. Jose Maria was furious upon learning the fate of his son, who was to have succeeded him as chief. He assembled his band and attacked the Mexican army. In the bloody fight that ensued Jose Maria and most of his warriors were killed by the Mexicans.<sup>92</sup> This and the other battles between 1833 and 1836 practically ended the Karankawa nation. It is charged that the Karankawa was the only Indian tribe which fought for the Mexicans in the war of '36.<sup>93</sup>

During the early years of the Republic the Karankawas do not seem to have given any noteworthy trouble. In his Second Annual Message to Congress, President Lamar states: "The Carronchawas

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<sup>84</sup> Brown, *History of Texas*, I, 115, note.

<sup>85</sup> Dimmitt to Austin, Oct. 17, 1835, *Austin Papers*, III, 190.

<sup>86</sup> Dimmitt to Austin, Oct. 27, 1835, *Austin Papers*, III, 214.

<sup>87</sup> Gatschet, *The Karankawa Indians*, 47; Rodnick, 13.

<sup>88</sup> *op. cit.*

<sup>89</sup> *op. cit.*, 16.

<sup>90</sup> Kuykendall, *Reminiscences of Early Texans*, 6 Q. 253.

Rodnick, *Goliad Missions and their Indians*, 13.

*Lamar Papers*, II, 379.

Phil Power, *Memoirs*, MS.

<sup>91</sup> Rodnick, *op. cit.*, 13.

<sup>92</sup> Gatschet, *The Karankawa Indians*, 47, 48.

<sup>93</sup> *Lamar Papers*, II, 379.



inhabiting the coast, the remnant of a once powerful race, but now too few to be formidable, have given us no uneasiness, or any cause of complaint; whilst the Lipans and Tonkawas have not only manifested a disposition for peace, but have in a few instances, proven useful to the Government in the capacity of spies."<sup>94</sup>

While most historians state that only a few Karankawa families remained in our section between 1839 and 1845, the number must have been greater, if the various episodes concerning them are to be given credence, which they must be under the facts. The orthodox sources give 100 Indians as living on Lavaca Bay in 1840 and 10 or 12 families as living on Aransas Bay and Nueces River between 1839 and 1851.<sup>95</sup> Rodnick says that in 1840 there were but 100 Karankawas left, of which but 25 were warriors, and that by 1850 the entire tribe numbered no more than 45 individuals.<sup>96</sup>

The facts seem to be that prior to 1843 there were large groups (comparatively speaking) living on Lavaca Bay, on the San Antonio-Guadalupe, on Aransas Bay, and near the Nueces on its west side. Those living in the Aransas Bay area appear to have gotten into trouble at Live Oak Point by reason of their depredations and fled to the Rio Grande to escape vengeance. The Texian Mier Expedition in December, 1842, encountered them at a rancho, on the river below Laredo. Both Green and Erath testify that the Indians numbering about 40 were disarmed by the Texians who carried about a dozen down the river in the boats and finally gave them back their bows and released them.<sup>97</sup> Green states that the Indians had with them a British flag "which they doubtless pilfered from some English vessel on the coast." Other accounts state that because of pressure of the Americans the Karankawas, in 1843, asked and received permission of the Mexican government to settle west of the Nueces.<sup>98</sup> Some authorities state that a band of 45 settled south of the Rio Grande under this permission. Others say that the refugees divided into two bands, one settling west of the Nueces and the other on Padre Island. In 1843 and 1844 they were living about 50 miles southwest of Corpus

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<sup>94</sup> Lamar, *Second Annual Message to Congress*, Nov. 12, 1839. *Lamar Papers*, III, 159, 164. See 27 Q. 170.

<sup>95</sup> Muckleroy, *Indian Policy of the Republic*, 25 Q. 230.  
Hodge, *Handbook of American Indians North of Mexico*, I, 657.

<sup>96</sup> Rodnick, *Goliad Missions and their Indians*, 14.

<sup>97</sup> Green, *Mier Expedition*, 73.  
Erath, *Memoirs*, 27 Q. 44.

<sup>98</sup> Kuykendall, *The Karankawa Indians, in Texas Almanac*, 1872, 172.  
Rodnick, *Goliad Missions and their Indians*, 13.  
Baker, *Texas Scrap Book*.  
Gatschet, *The Karankawa Indians*, 49.

Christi, and that a Mexican ranging company under Captain Trinidad Aldrete attacked and almost annihilated them.<sup>99</sup>

Now, about the time of this annihilation occurred the murder by Karankawas of Captain John F. Kemper at his home at Kemper's bluff on the Guadalupe. The date is given variously from 1842 to 1845. The correct date appears to have been November, 1844. These Indians immediately left the country, canoeing down the Guadalupe and the coast to Padre Island.<sup>100</sup> However, there still remained near the mouth of the Guadalupe a sufficient number of Indians to fight the Refugio vigilantes at the Battle of Hynes Bay, in 1852.<sup>101</sup>

Following this, the last Indian fight in Refugio County, the surviving Karankawas from this county obtained permission from the Mexican government to settle in Tamaulipas, near Reynosa, and repaired to that place in 1852 or 1853. This remnant is said to have been composed of 45 or 50 individuals.<sup>102</sup> In Mexico the life of these Indians was as hard as their way of life. They began to plunder, and troops were raised against them. The government moved them from place to place but they gave trouble everywhere they went. Finally they were moved back to Reynosa but immediately became enmeshed in the toils of the law. In 1858 an order for their arrest was issued, and the misguided devils fled to the Texas side of the Rio Grande. There, in the same year, they appear to have been actually exterminated by Juan Nepomencio Cortina and a party of *rancheros*. Thus ended the Karankawa nation.<sup>103</sup>

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<sup>99</sup> Muckleroy, *Indian Policy of the Republic*, 25 Q. 230. See *Corpus Christi, a History and Guide*.

<sup>100</sup> Gatschet, *The Karankawa Indians*, 49.  
Linn, *Reminiscences of Fifty Years in Texas*, 335.  
Philip Power, *Memoirs*, MS.  
*Lamar Papers*, V. 255.

<sup>101</sup> Philip Power, *Memoirs. Handbook of Texas*, I, 872.

<sup>102</sup> Kuykendall, *Reminiscences of Early Texans*, 6 Q. 253.

<sup>103</sup> Gatschet, *The Karankawa Indians*, 50-51, quoting.  
*Reports of the Mexican Border Commission*, December 10, 1872, 404-407.  
Dobie, *A Vaquero of the Brush Country*, 51; Rodnick, 13.

#### PRUDENTIO MIGUEL

Prudentio Miguel was chief of the Karankawas (Copanes) from about 1807 to about 1833. He was favorably known and highly respected by the Irish colonists. Prudentio was tall and well formed, and spoke Spanish fluently. He also appears to have been somewhat cultured, as he and his wife, Rose Marie, were welcomed in the homes of the settlers, and were honored guests at weddings and other functions. From *Lamar Papers*, the following is taken:

"Prudentio McGill was no less energetic and fearless than he was wise and just. His undeviating integrity and truth were proverbial, and several opportunities occurred in the course of his adventurous life for the exhibition of these virtues. One I will mention. An American traveller through Texas was robbed in the settlement of Ayish Bayou, and on complaint being made to Prudentio, the offender was summoned before the chief who ordered an immediate restoration of the plundered property; whereupon, the insolent robber, kindling with shame and resentment threatened the life of the traveller. "Thou shalt not have it", replied the indignant chief, "until you first take mine." And so saying, a glance, significant of deadly strife, was exchanged between them, and closing in with each other, the blood rattling in the throat of the strangling victim, soon announced the death of the guilty. The stranger was escorted by three chosen warriors across the Sabine into the territory of the United States; and on his arrival at home repaid the generous savage with a pension for life, which my informant tells me was promptly paid to the day of the chieftain's death."

*Lamar Vol. 4, pt. 1, p. 252.*

See: Linn, *Reminiscences*, 334-335; *Lamar Papers*, IV pt. 1, 252; *Oberste History of Refugio Mission*, 289; Allen, *Reminiscences of Mrs. Annie Teal Fagan*, 34 Q. 317.

## LIPANS

The Lipans are second in interest and importance only to the Karankawas, so far as our history is concerned. Besides figuring in numerous episodes connected with our county, they gave their name to Lipantitlan on the Nueces River and, under the designation of Cances or Carees Indians, participated with the Mexican and Texian forces in the Federalist Wars of 1838-1841, which form part of our local history.

This tribe was not originally indigenous to the coast country. It was one of the great Mescalero-Apache group, which was gradually crowded into northwest Texas and the Big Bend country by pressure of the more numerous and warlike Comanches. The Comanches never relented their pressure until about the beginning of the eighteenth century; the Lipan branch of the Apache family was forced farther southwest between the Nueces and the Rio Grande and into the interior of Mexico. Branches of the Apache group remained in the vicinity of the San Saba River until the latter part of the eighteenth century; the Lipan branch of the Apache family was forced further southwest,<sup>1</sup> some also going into Mexico where, perhaps, some of them are today.

The earliest missionaries in Texas found some seventy-odd different Indian tribes or tribal subdivisions located between the lower San Antonio and the lower Rio Grande rivers. These tribes included the Xaramé, Pampopa, Pocoa, Payaya, Aguastayas, Pacuache, Ocana, Pupanae, Pastaloco, and Patzua, which are now grouped as Coahuiltican tribes from similarity of language. These Coahuiltican tribes were forced out of this locality into Mexico and small pockets of the coast by the intrusion of the Lipans during the eighteenth century.<sup>2</sup>

The speech of the Lipans is said to have been a dialect of the Athabascan language, prevailing in the far north, from Hudson Bay nearly to the Pacific Ocean; and that the Lipans must have broken off from the parent stock at an ancient time.<sup>3</sup>

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<sup>1</sup> Bolton, *Anathase de Mezieres*, I. 27

Hodge, *Handbook of American Indians North of Mexico*

Castaneda, *Catholic Heritage*, IV, 154, 157, 158, 160, 176, 189

Gatschet, *The Karankawa Indians*, 41

Dunn, *Apache Relations in Texas, 1718-1750*, 14 Q. 198, (220-223)

Dunn, *Missionaries Among the Apaches*, 15 Q. 188

Kenney, *Tribal Society Among Texas Indians*, 1 Q. 27

Muckelroy, *Indian Policy of the Republic of Texas*, 25 Q. 233-234

Koch, *The Federal Indian Policy in Texas, 1845-1860*, 28 Q. 225-226

Swanton, *The Indian Tribes of North America*, 1952.

<sup>2</sup> Bolton, *Anathase de Mezieres*, I. 27

Muckelroy, *Indian Policy of the Republic of Texas*, 25 Q. 233-234

<sup>3</sup> Kenney, *Tribal Society Among Texas Indians*, 1 Q. 27

San Saba and other missions were established for the Apaches and Lipan-Apaches, but they did not take kindly to the idea of being reduced. The consequence of this resistance were a long series of bloody wars with the Spanish, waged contemporaneously with their age-old war with their arch-enemies, the Comanches.<sup>4</sup> All of this is intriguing to the student, but does not form a direct part of our local history.

The Lipans appear to have been the most tractable of all the Apache tribes and to have gotten along with the Spaniards and Mexicans, and afterwards with the Texians, far better than any other southwest coastal tribe. In fact, the Spanish regarded the Lipans as friends and the rest of the Apaches as enemies, thereby often presenting "a notty problem."<sup>5</sup> This tribe absorbed some knowledge from its contact with the Spanish and Mexicans and is said to have generally learned to speak Castilian. Their pronunciation is said to have been faulty, but their understanding good. From the Spaniards they learned considerable of the art of war.<sup>6</sup> This tribe seems to have had a flair for diplomacy. It sized up the political situation around it and (except for the Comanches) leagued itself with the strongest, serving with a fair degree of loyalty. Thus they successively served with the Spanish, Mexican, and Texian armies, principally as scouts and spies and occasionally as line soldiers. After Annexation they cooperated with the United States military in the same capacity. In disputes among other tribes or between the other tribes and the whites, we find that on several occasions they came forward as intermediaries, and conducted themselves well. An outstanding example of the Lipan's statesmanlike abilities may be found in the conference between Chief Picax-Ande Ins-tinsle and Juan de Ugalde.<sup>7</sup> Other noteworthy examples could be cited. Another art which they acquired from the Spanish was the playing of cards, at which they are said to have been skillful.<sup>8</sup>

As before stated, the Spaniards tried without much success to reduce the Lipan-Apaches to mission life. Padilla says of them, "It has not been possible to induce them to live in fixed habitations. They love liberty and are greatly interested in their ideas of idolatry and heathen rites."<sup>9</sup> The Lipans are described as huntsmen and the

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<sup>4</sup> Castaneda, *Catholic Heritage*, III, 41-49 IV, 6, 117, 127.

Dunn, *Apache Mission on San Saba River*, 17 Q. 392, 398

Dunn, *Apache Relations in Texas, 1718-1750*, 14 Q. 198

Nelson, *Juan de Ugalde and Picax-Ande*, 43 Q. 438

<sup>5</sup> Allen, *The Parilla Expedition to the Red River, 1759*, 43 Q. 61, 57

<sup>6</sup> Padilla, *Texas in 1820*, 23 Q. 47 (56)

<sup>7</sup> Nelson, *Juan de Ugalde and Picax-Ande, 1787-1788*, 43 Q. 438, 456

<sup>8</sup> Padilla, *op. cit.*, 23 Q. 47, (56)

<sup>9</sup> Padilla, *Texas in 1820*, 23 Q. 56



Karankawas and Cocos as fishermen and hunters.<sup>10</sup> Buffalo and wild horses were the Lipan's favorite quarry, and wherever they roamed, he roamed—from the Rio Grande to the Brazos, along the foot of the mountains.<sup>11</sup> The buffalo and deer they killed, and ate their meat and tanned the skins "which they paint with great skill. They also sell horses and mules which they take in their round-ups." They are said also to have eaten horse meat.<sup>12</sup> They have been charged also with eating human flesh, but not so generally as the Karankawas have been. What has been heretofore said with reference to cannibalism in the Karankawas applies with equal force to the Lipans.

The Lipans are described as having been handsome creatures. Morfi states:

"The Apache-Lipans in general are tall, straight, well-formed, of lordly bearing, of regular features, and of clear understanding. They are astute and bold, but false, perfidious and enemies of all living things. One may rest assured that in their vile hearts they prefer a horse or a mule to even their own parents, children and women. They are clean and decent in dress, but of lascivious customs; and they differ from the other Apaches only in that they eat the meat of the buffalo, venison, bear and cattle; some corn which they sow along the river beds; and other seeds and grain produced by nature; because their laziness and wandering spirit make them enemies of cultivation."<sup>13</sup>

Many eminent writers attribute to this tribe a character of cruel, barbarous ferocity and charge them with undescribable cruelties of great refinements and with the eating of the flesh of their victims. Dr. Bolton states that the Apache was hated alike by all the tribes, "His hand was against every man and every man's hand was against him."<sup>14</sup> In 1771 they were reported to have been allied with several kindred tribes, with whom they defeated the Comanches, and ate some of the prisoners. However, the facts as given to us by Americans, who knew the Lipans in the 19th century, do not bear out this harsh, sweeping indictment of that tribe. Most accounts agree that the Lipans got along very well with the Karankawas and Tonkawas and in fact were extremely friendly to them. The two latter tribes were their closest neighbors to the east, and the Lipans seem to have gone at will and without molestation into the territories of these two

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<sup>10</sup> Martinez to Lopez, Feb. 6, 1822, *Austin Papers*, I, 473

<sup>11</sup> Kenney, *Tribal Society Among Texas Indians*, I Q. 27

On destruction of the buffalo, see 33 Q. 34

<sup>12</sup> Padilla, *op. cit.*, 23 Q. 56

<sup>13</sup> Chabot, *Morfi's Indian Excerpts*, 17-18

Castaneda, *Our Catholic Heritage*, Vol. III, 13-16, IV, 256-258

<sup>14</sup> Bolton, *Anathase De Mezieres*, I, 26

tribes. Furthermore, the Lipans seemed to have possessed and exercised an ability for statesmanship and diplomacy that the other said tribes did not have and we find accounts of numerous occasions wherein the Lipans intervened diplomatically to assist their ruddy neighbors out of difficulties with the whites (the saving of the Tonkawas from destruction by Austin's colonists being a noteworthy example) and wherein they sit in councils of their neighboring tribes "in an advisory capacity." Of all the Southwest Texas tribes, the Lipans were the most intelligently and consistently useful to the Texans in warfare. The only Indian tribe against which the hand of the Lipans was set and the hands of which were set against him was the Comanche. Between these two tribes there was an everlasting hatred.

The war between the Lipans and Comanches undoubtedly began before either of the tribes ever entered Texas. Both races were hunters of buffalo and question of domination over the best buffalo ranges seems to have been the cause of the war. Of course, as the Lipans yielded their ranges only to find the Comanche still encroaching and contesting the right to the new range, the feeling became more bitter as the years went on. The hatred which existed between these two tribes was fierce and cruel—so much so that when the ranges became somewhat static, the Comanches could not forego the intense desire to overrun the coastal plains and harass their ancient enemies.<sup>15</sup>

Castaneda states,

"The Lipans were an idolatrous nation. They had no set places of worship, nor heathen temples, but their high priests or wizards carried their idols with them. One of the idols had been turned over to the missionaries. It was a rudely shaped figure made of stuffed skins resembling a human being with the face painted. The Indians would not reveal the rites they performed, nor the ceremonies held in honor of their idols. It was known, however, that many of the dance festivals were part of their religious ritual and it seems that the Lipans offered occasional human sacrifices to their more honored and feared gods, the victims being captives taken in war.

"The gods of the Lipans told them, through the wizards of the tribes (Santones) when their enemies were near or far, when the buffaloes were plentiful, and when was the best time for them to hunt. When a new house was built by a family, the medicine men of the tribe assumed the form of buffaloes and prognosticated the future of those who were to reside in the new building. It was a firm belief

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<sup>15</sup> Stephen F. Austin's theories of the causes of the war. *Austin Papers*, I, 507-508

among the Lipans that their medicine men could cause or stop floods and droughts.

"The Lipans believed in life after death and buried their dead with great ceremony. They not only dressed the deceased in his best finery, but they placed beside him his arms and a liberal supply of water and food. They generally practiced polygamy and baptized their children giving them names of stones, trees, flowers and other objects of nature."<sup>16</sup>

Some of the principal events connected with the Lipans in our section will now be given.

The Mexican Revolution in 1810 drew the Lipans into the struggle. They and other Indians were encouraged by the Royalists to plunder Texas, Coahuila, and Nuevo Santander, all of which were Republican strongholds.<sup>17</sup> After the capture of Goliad in 1812 by Magee and Gutierrez, an embassy was sent by the Republicans to the Lipans and resulted in the Indians joining the patriot cause. Several hundred warriors went to Bexar and reinforced the Republican army. In the Battle of the Medina the Lipans' ranks broke, although they were brave and loyal.<sup>18</sup> The survivors appear to have retreated with the Americans to the Sabine and stayed at Nacogdoches. There the Lipans were attacked and routed by Colonel Cayetano Quintero, in October 1813.<sup>19</sup>

When General Mina landed at Matagorda in June, 1817, as has been related, the Spanish feared that the Lipans would rise and join him. About this time, two Indians, a father, old and blind, and his son, came to Goliad, with their bows and arrows, and were arrested by the commandant on suspicion and sent to Bexar.<sup>20</sup> Mina left the coast the day after he had landed, and there was no rising of the Lipans. However, there appears to have been a sporadic war between the Lipans and Spanish which was kept up until the Royalist cause fell.

There is a reference made to a battle between the Lipans and the Spanish troops at the Guadalupe, in 1819 or 1820. Two American traders were in this fight, it being obscure as to which party they were with, but evidently the Indians. One of the Americans was

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<sup>16</sup> Castaneda, *Our Catholic Heritage*, IV, 176-177, citing *Repuesta de los Padres al Sor. Cancio a barios puntos de un informa*, Septiembre 19, 1763; *Relacion de la Presidencia del Rio Grande del Norte desde Octubre de 1768-ha, Diciembre de este (1764)* A.G.M., *Historia*, Vol. 29, p. 1, pp. 173-185

The Lipans attacked St. Denis party when it passed through Texas in 1714. (Bancroft, *North Mexican States and Texas*, I. 610)

<sup>17</sup> Winkler, *The Cherokee Indians in Texas*, 7 Q. 96-97

<sup>18</sup> Lanier, *San Antonio de Bexar*, in *Corner*, p. 78

<sup>19</sup> Bancroft, *North Mexican States and Texas*, II, 32

<sup>20</sup> Hatcher, *Letters of Antonio Martinez*, 39 Q. 329-330; see also 144

killed, and the other had two fingers shot off. The Lipans are said to have been worsted in this fight. Shortly after this the Lipans were attacked by the Tonkawas on the Colorado River. The advance guard of the Lipans appears to have been decimated, but the major part with their women, children and *caballardo* got back safely to the Nueces. During this campaign the Lipans had taken or picked up a great many Mexican prisoners whom they brought back with them. They also had in their camps Mexicans captured near the Rio Grande. The prisoners are said to have been kindly treated.<sup>21</sup>

The Lipans and Tonkawas began hanging around the settlements of Austin's colony in 1821 and 1822 and "were continually begging gifts" from the colonists. "These Indians were an insolent and beggarly lot, and while not so hostile as the Wacos and the Comanches . . . and the Karankawas on the coast, they were not to be trifled with. They had to be suffered in patience until the colonists were numerous enough to deal with them."<sup>22</sup>

Mrs. Holley in her charming history (1836) makes the following comment in her chapter on Indians: "There are remnants of other tribes of Indians, the Waccos, Towackarries, Caddos, Tonkaways, Lepans, etc., which still exist in Texas but are of too little note to merit particular notice. They are either too few in number to be formidable, or so far civilized as to provide well for themselves without disturbing others,"<sup>23</sup> thus indicating that the Austin colonists experienced no particular trouble with the Lipans. However, as to the Tonkawas, the colonists had considerable trouble and several pitched battles with them.

Colonel Pettus relates the following episode concerning the Tonkawas, and the intervention of the Lipans in their behalf.<sup>24</sup>

"Their [the Tonkawas] rascalities, however, had become so intolerable that the Americans at length resolved upon their extermination and had them all assembled at Columbus on the Colorado. Whilst they were paraded in the open field, surrounded by the whites who were on the eve of commencing the dreadful work, Castro, the Head Chief of the Lipans, made his appearance and delivered a paper to the Americans from Stephen F. Austin.

"The document was an agreement between Castro and Austin that the Tonks should be turned over to the Lipans, who were to take possession of them and carry them out of the white settlements

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<sup>21</sup> *Lamar Papers*, IV, pt. 1, 191-192

<sup>22</sup> Padilla, *Texas in 1820*, 23 Q. 56 (says Lipans numbered only 700 of all *sexes* in 1820)

<sup>23</sup> Wortham, *History of Texas*, I, 120

<sup>24</sup> Holley, *Texas*, 160

<sup>25</sup> *Lamar Papers*, IV, pt. 1, 248



and keep them from all further intercourse with them. This arrangement was made known to the Tonks, who joyously embraced the opportunity of escaping the vengeance of the American rifles, which were then pointed at them.

"Castro had 450 warriors with him, armed and equipped for the purpose, who were called up; and the Tonks were marched off under the escort of the Lipans. They were taken beyond the Nueces, and ranged between the river and the Rio Grande, from the coast up as high as they could venture to avoid the Comanches. They remained in that section for two years and then returned, gradually in small parties,<sup>26</sup> to their old range between the Colorado and the Brazos."

One of the favorite camp grounds of the Lipans was on the west bank of the Nueces, a little below the present town of San Patricio. This site was near the crossing of the Camino Real to Goliad. Up to 1842 large herds of buffalo ranged in that vicinity and sometimes came as far north as Refugio. The Lipans were great hunters and the buffalo their favorite game. Hence, their predilection for the place we now know as Lipantitlan. On his return to Mexico, in 1827, General Teran crossed the Nueces at this point and marked it as a suitable place for a military outpost and named it Lipantitlan. A year or so later a mud fort and rude barracks were erected, known as Fort Lipantitlan. This did not deter the Lipans from congregating there during the buffalo season. They pitched their tepees around the fort.<sup>26</sup> There is a tradition that the Spanish or Mexicans had a small mission for the Lipans at Lipantitlan, but we have been unable to verify it.

The Lipans were reported as being at peace with the Comanches in 1817, but the war soon broke out anew and was carried on incessantly thereafter. On February 26, 1827, Major Kerr reported a battle between the Lipans and Tonkawas, on one side, and the Comanches and Wacos, on the other, which had taken place on the San Marcos River about nine miles above Gonzales. The Comanches and Wacos attacked the Lipans and allies, who were led by Chief Castro, and administered a bad beating. The Lipans and Tonkawas are said to have lost a number of warriors and a *caballardo* of 500 or 600 horses. The coastal Indians fled down the Guadalupe, and some sought safety at Victoria.<sup>27</sup>

In the winter of 1829 a band of Lipan Indians visited the Mission of Refugio, where the McMullen and McGloin colonists

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<sup>26</sup> Coopwood, *Route of Cabeza de Vaca*, 3 Q. 327

<sup>27</sup> Letters from James Kerr, *Austin's Papers*, I, 1606

were encamped.<sup>28</sup> The details of this visit will be recounted elsewhere.<sup>29</sup> This tribe does not appear to have given much trouble to the Irish colonies nor to have taken part in the Texas Revolution. Almonte states that in 1834 all Lipans were then living in Coahuila.<sup>30</sup>

After the revolution the Lipans appear to have come back to their old haunts along the Nueces, as will be seen hereafter, there were numerous murders of travelers in the vicinity of the Nueces, between 1837 and 1842,<sup>31</sup> including the murder of one of Martin de Leon's sons. Most of these were charged to Indians; but the extent of Lipan participation, if any, is not revealed.

Colonel James Power was commissioned by President Houston to negotiate a treaty with the Lipans. At his invitation Chief Cuelga de Castro with a retinue came to Live Oak Point and, at the home of Colonel Power, signed a treaty on January 8, 1838.<sup>32</sup> It was later charged that the Texian government gave the Indians "fine clothes" and other expensive gifts on this occasion.<sup>33</sup> After the treaty was made, Vice-President Lamar, in the absence of the president, addressed a letter to Chief Castro, in which he states that he was "familiar with his fame as a statesman and a warrior", urging him to keep the treaty.<sup>34</sup>

"In 1838," Linn relates, "a party of some 25 Lipans visited Victoria, as was their custom, to barter dressed deer pelts, buffalo robes, etc. Among them was a Dr. Hanam, formerly a practicing physician of Matagorda, where he had a wife, who was an intelligent and accomplished lady. He had deserted his wife, however, under the siren blandishments of a pretty Lipan squaw, with whom he lived. The Indians visited my store, and I purchased much of their peltry. Dr. Hanam bought a jar of preserves, and he and his *bon amie*, the pretty squaw, sat down on the door steps to partake of the same. Being well acquainted with Hanam, I could not refrain from asking him how it was possible that he could gain his own consent to desert the haunts of his civilized species and adopt this mode of life, so radically different from all that he had heretofore been accustomed to. He wished me to believe that he was doing so in a quest for scientific knowledge in regard to medicinal roots and herbs, and stated that he was acquiring a vast repertory of such

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<sup>28</sup> *Lamar Papers*, V, 378-379.

<sup>29</sup> See Page 126, post.

<sup>30</sup> *Almonte's Report*, 28 Q. 194

<sup>31</sup> Muckleroy, 25 Q. 241-2. Morfit reports that Lipans had 250 warriors in 1836

<sup>32</sup> Philip Power, *Memoirs*.

<sup>33</sup> Muckleroy, *Indian Policy of the Republic of Texas*, 26 Q. 20, 23

<sup>34</sup> *Lamar Papers*, II, 170

<sup>35</sup> *Lamar Papers*, II, 43

knowledge. I made no reply to all this, but was satisfied that in the balances of his desires the squaw would vastly outweigh his thirst for knowledge.

"After disposing of their skins, which the Lipans 'dressed' much better than any other tribe of Indians, they departed for another hunting expedition. Near the present site of the town of Cuero they encountered a party of Comanches, when a fight ensued, in which the Lipans were the victors. One Comanche warrior was slain. The squaw of Hanam cut off one of the hands of the defunct brave, and brought it to her Aesculapian Adonis with the suggestion that they should prepare it for their evening repast, stating that it was a delicious morsel. Cannibalism the doctor could not subscribe to, and he left the Indians at Gonzales, and ultimately returned to Alabama."<sup>35</sup>

The Lipans evidently went on towards the Colorado, as on November 25, 1838, we find Captain V. R. Palmer writing the government that the Lipans and Tonkawas had been encamped for several weeks on the Colorado, both above and below Bastrop, and that he was raising a company of militia to expel them from the country. Later he writes that the Indians are still in the country, but appear to be friendly.<sup>36</sup> About a month later the two tribes were reported as being on the headwaters of Plum and Peach creeks, east of the Guadalupe "killing buffalo and laying in a supply of provisions." Agent Baker also states that the Indians were friendly and that the Lipans "had not committed a single act of hostility since the treaty was made" and that the chiefs were anxious to join the Texians in a campaign against the Comanches.<sup>37</sup>

The Lipans appear to have been back on the lower Nueces by the following Spring. On May 23, 1839, Samuel Hewes writes from Aransas City of reports of discovery of the bodies of nine dead Mexicans, one of them a woman, between Live Oak Point and the Nueces and says that the victims' horses had been seen in the Lipan camp. He remarks, "No faith is to be put in Castro".<sup>38</sup>

In January and February, 1841, fifteen Lipans and 100 Tonkawas acted as scouts and spies to Morehouse's expedition up the Brazos and Trinity. They were under Major George B. Erath and did good service. In a skirmish they killed "two hostiles, all that was seen on the trip".<sup>39</sup>

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<sup>35</sup> Linn, *Reminiscences of Fifty Years in Texas*, 292-293

<sup>36</sup> *Lamar Papers*, II, 303-304; 306-307

<sup>37</sup> *Lamar Papers*, II, 397-398

<sup>38</sup> *Lamar Papers*, II, 585

However, in the summer of the same year the Lipans were encamped on the Salado near San Antonio. Mayor Gilbeau complained to President Lamar that the Indians would come into Bexar and get intoxicated and "become lawless" and that he had a bunch of them then in the *calabosa*. He states that the Indians have been stealing from ranches, killing cattle, and trampling down crops and gardens. He says he has sent for Chief Castro, who promised to obey, "but he has made this promise twenty times without keeping it."<sup>40</sup>

In the Fall of 1841 we find the Lipans again on the Colorado, in the vicinity of Austin. While there they were accused of the murder of James Boyce, in Travis County, on October 2. A warrant for the arrest of Chief Castro and Flacco was placed in the hands of the Sheriff for execution; but McFarlane, having doubts about the chiefs submitting to arrest, ordered the Travis Guards to hold themselves in readiness to assist him. Sheriff McFarlane went to the Indian camp alone and was not harmed.<sup>41</sup> The chiefs evidently quashed the writ, as we find them free as the breeze a few months later.

At the time of the Vasquez raid on Refugio, March 6, 1842, a band of Lipans, with which was a son-in-law and nephew of Chief Castro, was staying in a house in town. They had been going through the country under a safe conduct from the government and had arrived the night before the Mexican raid. When Lieutenant Aznar learned of the presence of the Indians in Refugio, he immediately attacked them, killing or capturing most of them. Among the slain were Castro's son-in-law and nephew. The Mexicans also captured a *caballardo* of horses and mules, which the Indians had with them and which the Mexicans claimed to have been stolen.<sup>42</sup>

In July, 1842, the Lipans tipped off General Davis to Canales advance to the Nueces, thereby preventing a surprise; and in the Fall of that year, following the Woll invasion, Chief Flacco and a band of Lipans went to Bexar and put themselves at the disposal of General Somervell. They were assigned to Captain Jack Hays as spies and scouts and were with him on his reconnaissance of Laredo. They made themselves useful in carrying dispatches back and forth and are credited with having saved a detachment of Texians from capture and also with having saved Somervell's army from starvation on its return from Laredo to Bexar.<sup>43</sup>

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<sup>39</sup> Erath, *Memoirs*, 27 Q. 30-31

<sup>40</sup> Lamar Papers, III, 559

<sup>41</sup> Looscan, *Captain Joseph Daniels*, 5 Q. 26

<sup>42</sup> Philip Power, *Memoirs*  
Chabot, *Corpus Christi and Lipantitlan*, 15-26



One of the tragedies of the Somervell expedition was the death of "young" Flacco, who had accompanied his father Chief Flacco. The young Flacco was killed in action on the Rio Grande.<sup>44</sup> The letter of Chief Flacco to President Houston announcing his son's loss is well known, as is Sam Houston's famous reply in poetry.<sup>45</sup>

Chief Flacco was not long to mourn the death of his son, as in the Fall of 1843 he himself was treacherously murdered by a white man named James B. Ravis. It seems that Flacco and Ravis got together a *caballardo* of horses as a partnership venture and were taking them to market at San Antonio. Enroute Ravis conceived the idea of getting all the profits for himself, therefore, while the Indian slept one night in camp, Ravis murdered him as he slept.<sup>46</sup>

In the early part of 1843, Chief Castro also died and was succeeded as chief by his son, John Castro.<sup>47</sup> About the time of the old chief's death, Houston issued an order that no Lipans or Tonkawas might go to the seat of government without a passport.<sup>48</sup>

In the Spring of 1843 the Waco Indians stole a *caballardo* of 200 horses from the Lipans and Tonkawas. The latter appealed to President Houston, probably mentioning to him that if the Texians were unable to get them back, they would go up the country and do the job themselves. Houston wrote the Chief of the Wacos asking for the return of the horses, assuring that Chieftain that "by returning the horses it will help make peace with all the red brothers, and the Tonkawas will not wish to fight or ever again eat people; and the Lipans will be at peace forever with the Wacos and their friends".<sup>49</sup>

On October 9, 1844, the last peace treaty between the Lipans and the Republic of Texas was signed at Tah-Wah-Kario Creek.<sup>50</sup> A year later the responsibility for the Indians passed to the United States government. The Mexican war appears to have forced the Lipans into Mexico and the Big Bend country, so that they no longer had connection with the history of our county. In the 1850's they transferred their activities to the area around Fredericksburg. A few Lipans are said to have taken part in the raid on Corpus Christi in 1878.<sup>51</sup>

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<sup>43</sup> Stapp, *Perote Prisoners*, 24

Kendricks, *The Somervell Expedition to the Rio Grande 1842*, 23 Q. 122, 137

<sup>44</sup> James, *The Raven*, 332

Williams, *Writings of Sam Houston*, III, 344-5

<sup>45</sup> Williams, *Writings of Sam Houston*, III, 343, 341

<sup>46</sup> *Lamar Papers*, VI, 297

<sup>47</sup> Williams, *Writings of Sam Houston*, III, 343

<sup>48</sup> Williams, *op. cit.*, 324

<sup>49</sup> Williams, *Writings of Sam Houston*, III, 363-364

<sup>50</sup> Muckleroy, *Indian Policy of the Republic of Texas*, 26 Q. 193-196

<sup>51</sup> Koch, *Federal Indian Policy in Texas*, 28 Q. 265-266

Mansfield, *Report of Inspection in Texas, 1856*, 42 Q. 126-127

Fitzsimmons, et al, *Corpus Christi Raid of 1878*, 5 Q. 212-251

## TONKAWA

The Tonkawas were not originally a southwest Texas tribe but were habitues of east central and northeastern Texas, their territory lying between Colorado and the Sabine. Gradually, they were forced to the Southwest until at the time of Austin's colony they were found along the Colorado River.<sup>1</sup> Sanchez, who visited Texas in 1828, makes the following statement regarding this tribe, which he found in the vicinity of Colorado:

"Moved by the curiosity aroused by what my traveling companions said about the *pueblo* or camp of the Tancahues, I and the general went to see it about eight o'clock next morning. It was situated in the center of a thick grove at the entrance to which several horses were tied, apparently all very good. On arriving at the edge of the camp, Losoya, a soldier in our escort, uttered a war cry used by these Indians in battle, and immediately the whole camp was in motion, several even started to mount their horses, but as soon as they saw who we were they became quiet. They all came out to see us, and while the general talked to the chief of the tribe, I examined these Indians about whom I obtained greater information later. Their huts were small and barely numbered thirty, all conical in shape, made of light branches, covered with the same material and an occasional buffalo skin. In the center of each is located the fireplace around which lie the male Indians in complete inaction, while the women are in constant motion either curing the meat of the game, or tanning the skins, or preparing the food, which consists chiefly of roast meat, or perhaps making arms for their indolent husbands. The elder women work the hardest because the younger ones have a few moments of rest at the expense of the wretched elders. The men wear earrings and other ornaments on their neck and hair, made of bone, shells, or showy feathers, while the women wear only black stripes on their mouth, nose, back and breast. On the breast the stripes are painted in concentric circles from the nipple to the base of each breast. They wear nothing but a dirty piece of deer skin around their waist, leaving the rest of their bodies naked, and wearing their hair short. This tribe is small and poor, being composed of eighty families, but they are brave friends of the Lipanes and other tribes found in the

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<sup>1</sup> Hodge, *Handbook of American Indians North of Mexico*  
Castaneda, *Catholic Heritage*, III, 8-10  
Chabot, *Morfi, Indian Excerpts*, XIX, 3, 7, 16 (note 48), 70  
Bolton, *Texas in the Mid-Eighteenth Century*  
Hackett, *Pichardo*, II, 212-230, III, 472  
Worham, *History of Texas*, I, 127, 128, 156, 165  
*Lamar Papers*, IV pt. 1, 247-248  
*Austin Papers*, I, 1306  
See also 26 Q, 19-20

vicinity of Nacogdoches, and deadly enemies of the Comanches, Tahuacanos, and Wacos."<sup>2</sup>

Koch says: "The Tonkawas were a prominent tribe, forming the Tonkawan linguistic family. During most of the 19th century they were located in Southeast Texas, almost along the Gulf coast. The Tonkawas were always friendly to the Texans, and in the struggle between the hostile Indians and the whites during early statehood, they helped the frontier troops. The Tonkawas numbered (in 1845) about 650, including in that numbr about 130 warriors."<sup>3</sup>

The Tonkawas were not native to Refugio County and never permanently lived in it. They frequently came into the Coletto Creek-San Antonio River section, but generally on visits or to take sanctuary from some enemy farther north. Most of the facts of interest to Refugians concerning them have been already related in connection with the Lipans and Karankawas.

From correspondence of Stephen F. Austin, it would appear that the Tonkawas joined the Lipans after the death of the Tonkawa chief Careta in 1826. Only 168 members of this tribe were listed as existing in 1856 in Colonel Mansfield's Report.<sup>4</sup>

### COMANCHE

The Comanches were not a coastal tribe, but their many raids, murders and depredations, in our and adjoining counties, have contributed many pages to local history. This nation is said to have been more numerous and powerful than all other Indian tribes combined. It was a branch of the Shoshoni of Wyoming, whose dialect formed the basis of the language spoken by the Comanches. These warlike, but nevertheless fascinating people, roamed the great plains from Oregon to the Southwest, dispossessing the Apaches and Lipans as they advanced, crowding the latter towards the coast. The Comanches are thought to have reached the Texas panhandle about the year 1700; and by the middle of the same century they had advanced well into the San Saba country, driving the Apaches out. In Anglo-American colonial times the country of the Comanche was considered to lie from Bandera, northwest.<sup>1</sup>

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<sup>2</sup> Sanchez, *A Trip to Texas in 1828*, Translated by Castaneda, 29 Q. 269-270

<sup>3</sup> Koch, *The Federal Indian Policy in Texas 1845-1860*, 28 Q. 225

<sup>4</sup> During the Civil War the Texas Legislature enacted several money bills for the relief of the Tonkawas. Act December 16, 1863, G. L. V., 738-739; Act May 28, 1864, G. L. V., 800 (Recites that Chief Placadore and half his tribe were massacred by the Federals because of their fidelity that Chief Placadore and half his tribe were massacred by the Federals because of their fidelity to the Confederacy)

<sup>1</sup> Hodge, *Handbook of American Indians North of Mexico*, I, 327-328

Castaneda, *Catholic Heritage*, III, 16-18

Chabot, *Morfi, Indian Excerpts*, 14-15

Hackett, *Pichardo*, II, Chap. XVIII

It is said that although they were "ferocious savages", they were particularly well organized, and their government has been described as the purest form of democracy known to man. Kenny states, "The Comanches were divided into ten clans, each with a chief, and they kept separate camps, but their law forbade them to marry in their own clan. They had a head chief over all, but this government was a pure democracy, and all questions were settled by a council, either of clan or tribe, according to the importance of the matter." These councils met four times a year.<sup>2</sup>

Sanchez gives the following colorful account of the Comanches as he observed them in 1828:

"The Comanches are now at peace with Byar and occupy themselves in fighting the Huasas, their chief enemies on the frontier. This tribe is, doubtless, very powerful, and still refuses to become an ally of the Comanches. Their quickness is marvelous, for it is a proven fact that when in battle, the Comanches flee, they pursue them on foot, overtake them, and with one leap spear them from the back, or catching the horse by the tail, they throw it down and then put their adversaries to death. The most common vices of the Comanches are vengeance, pride and excessive laziness; but at the same time they are frank and loyal friends even to the Mexicans. When at war with us if Mexicans are in their camps, the Comanches will not harm them, showing that he who lives with them is their friend, regardless of his nationality. They despise all liquor because they say that a drink that unseats reason is no good. They punish adultery with as much rigor as the Lipanes, that is, by killing the woman or cutting the end of her nose and ears. They are not jealous, and each one has as many wives as he can keep. The women are real slaves to the men, who occupy themselves with war and hunting only. The wives bring in the animals that are killed, they cut and cure the meat, tan the hides, make the clothes and arms of the men, and care for the horses.

"In the frenzy of battle after they kill their adversary, the Comanches take his scalp home in triumph and they estimate their valor by the number of these trophies. The calmness and order with which they advance upon the enemy disappears the moment one of their warriors falls, for that very instant a sorrowful wail is raised and all flee precipitately, taking care always that the dead warrior is carried from the field. When they find themselves at a safe distance or in their encampment, the funeral of the warrior is arranged, a ceremony that consists in digging a deep grave where the body of the

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<sup>2</sup> Kenney, *Tribal Society Among Texas Indians*, I Q. 28-31



warrior is deposited together with his horse, his arms, his best attire, and food; and if the dead is a person of rank, they kill the dearest wife and bury her with him to accompany him to the great buffalo hunting grounds where they go after death, according to the teachings of their religion. This is reduced to the worship of the sun as the creator of all things and to do no harm to members of the tribe. They do all the evil they can to their enemies, and if one of them falls, unfortunately, in their power, they bind him, and all try to devise the slowest and most cruel way of putting him to death. Some prisoners they burn by slow fire for several days; others, they cut piece by piece, applying burning coals to the wounds; and others they scalp and then put fire on their heads. They also use other horrible methods. To escape these tortures an Indian, when he finds himself alone in action and surrounded by the enemy, fights until he is killed, and only the greatest superiority of numbers or the weakness from numerous wounds can overcome him against his will. He is then led in triumph to suffer the tortures described, but he stands them with the greatest indifference, thus showing that not the lack of valor but misfortune placed him in the bloody hands of his tormentors. This trait is common to all warring tribes or nations.

"The cruelty practiced by the Comanches and other tribes upon their prisoners is not used against the Mexicans, who are killed but not tortured. When in the raids they make they find young Mexicans, they take them captives, raise them, and permit them to live with the same freedom as the Indians themselves enjoy; if they wish to marry they gladly allow them to do so, for they wisely judge that this is a powerful incentive to keep them with the tribe and thus increase its number. The same desire to increase their tribe makes the Comanches very considerate of the small tribes with which they have friendly relations, protecting them, teaching them their habits and customs, and finally amalgamating them into their nation. For this reason the Comanches are the most numerous of those found in Texas."<sup>3</sup>

As has been pointed out the Comanches were the hereditary and inexorable enemies of the Karankawas, Lipans, and, it seems, the Tonkawas. This unrelenting hatred brought them down to the coast at periodic intervals to wreck vengeance upon their smaller but greatly hated enemies. Afterwards they added the Spanish, Mexican, and American colonists to their lists, as will be seen on subsequent pages.

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<sup>3</sup> Sanchez, *A Trip to Texas in 1828*, 19 Q. 262-265

### CHAPTER III

## EARLY EXPLORATIONS



NE OF the remarkable feats of history was the reduction by Spain to the yoke of government and thrall of exploitation of a vast expanse of territory within an almost unbelievable short time. The new world was discovered by Columbus in 1492. By 1515 the Spanish had established settlements and bases of operation in Cuba. The conquest of Cuba led to immediate expeditions to the gulf coast of North America, from Florida to Yucatan. The conquest of the Aztec empire by Cortez in 1519, brought the coast of Texas into the Spanish pattern, and many ships and convoys between Cuba and Mexican ports began to skirt within hailing distance thereof. Thus Texas and Refugio County entered recorded history.<sup>1</sup>

The amazing exploit of Cortez inspired both envy and emulation. Hardly had his conquest got under way before numerous persons desired to either rob him of the spoils or share them with him. Others merely desired the royal license to plunder and exploit other areas of the new world. So it was that Alonzo Alvarez de Pineda set sail from Spanish island bases with a fleet of four vessels to explore the gulf coast from Florida to Vera Cruz. This expedition was the first European to carefully explore and chart this coast line. The expedition left its base in the spring or summer of 1519, and took its good time, penetrating most of the major inlets and mouths of rivers. There is very little doubt that San Antonio, Aransas and Copano bays were included in the itinerary. Pineda was "careful to note, as he went, the character of the land, the bays, the inlets and the rivers." as well as that of the natives and produce of the country. He was particularly watchful for ornaments of precious metals. He stopped and landed at several points along the coast to take "formal possession" of the country in the name of the King of Spain, as well as to trade with the Indians.<sup>2</sup>

Pineda gave the name "Amichel" to the vast stretch of coast country between Apalachee bay and Tampico, by which name it was

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<sup>1</sup> Prescott, *The Conquest of Mexico*

<sup>2</sup> Castaneda. *Catholic Heritage*, I, 1, 7-14

Hackett, *Pichardo*, I, 75

Paso y Troncoso, *Papales de Nuevo Espana*, I, lvi

known for several years afterwards. His map (probably prepared by the navigator Aliminos) is of great interest to students of the history of our county.<sup>3</sup>

The sites of the landings of Cabeza de Vaca and other survivors of the ill-fated Narvaez expedition of 1527, and the routes of each have provoked much learned dispute and speculation on the part of eminent students of the subject. Few agree upon the major facts. However, with very few exceptions, these savants agree that Cabeza and one or more detachments of the survivors were in Refugio County, and in both the original and present boundaries of the county.<sup>4</sup> The story of these men rivals that of Marco Polo and is as glamorous as a tale from the Arabian Nights. Their exploits are part of the history of this county.

Panfilo de Narvaez obtained a royal charter, in 1526, to explore, conquer and settle all the lands between the Rio Grande and the Cape of Florida, with authority to raise and equip an expedition for the purpose. This expedition, which was organized in Spain, sailed from the port of San Lucár de Barrameda, on June 17, 1527. Alvar Nunez Cabeza de Vaca, the scion of an ancient and noble family, was appointed treasurer and high sheriff to the expedition. Father Juan Suárez, said to have been bishop-elect of Texas, and numerous priests were among the passengers. After putting in at Cuba to replenish supplies and get reinforcements, the fleet landed on the coast of Florida, with object of establishing a colony, and of marching overland to the Rio Grande. Narvaez then sent away his fleet, with soldiers and colonists, including women, aboard, directing the sailing masters to sail down the coast and locate a suitable port at which the fleet should remain until Narvaez and the rest of the expedition came up. After explorations into the interior, which were conducted with great hardships and privations as well as hostility on the part of the natives, Narvaez decided to abandon Florida and the idea of an overland march down the coast.

Having sent away his fleet, Narvaez found himself stranded in an

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<sup>3</sup> Lowery, *List of Maps*, 18-19

<sup>4</sup> Bancroft, *North Mexican States and Texas*, I, 60-70, 380

Hackett, *Pichardo*, I, 424-426

*Naufrajios de Alvar Nunez Cabeza de Vaca*

Smith, *Relation of Alvar Nunez Cabeza de Vaca*

Castaneda, *Catholic Heritage*, I, 39-81

Coopwood, *Route of Cabeza de Vaca*, 3 Q. 108, 177, (map 192) 229; 4 Q. 1

Ponton and McFarland, *Alvar Nunez Cabeza de Vaca*, 1 Q. 166-186 (map 176)

Williams, *Route of Cabeza de Vaca*, 3 Q. 54-64 (map 60)

Baskett, *A Study of the Route of Cabeza de Vaca*, 10 Q. 246, 308 (maps 264, 267, 276)

Davenport and Wells, *First Europeans in Texas*, 32 Q. 111, 265 (map 258)

Davenport, *Translation Oviedo's Account of Expedition of Panfilo de Narvaez*, 27 Q. 120-139

Oviedo, *Historia General y Natural de las Indias*

See further bibliography, 22 Q. 112-115 (Notes; and 27 Q. 120-123

unhospitable and dangerous area. It was therefore decided to construct, with such tools as could be improvised, five small boats or barges, each capable of holding fifty men, with which it was hoped to navigate the coastal waters from Florida to Mexico. These flimsy craft were in due time made ready, and the expedition embarked thereon for the perilous voyage. In order to better understand the later adventures of the survivors and to get some definite idea as to locales of subsequent events, particularly those connected with Refugio County, it is well to note and keep in mind the distribution of the men among the five craft, as follows: The first barge, under the command of Governor Narvaez, carried 43 men; the second, in charge of Alonso Enriquez and Father Suarez, the same number; the third, under Alonso Castillo and Andres Dorantes, 48; the fourth, under Tillez and Penalosa, 47; and the fifth, under Alonso Solis and Cabeza de Vaca, 49.<sup>5</sup>

By the time the expedition had reached the mouth of the Mississippi the men were starving and some had died of starvation and exposure. The strong currents and stormy winds began to separate the barges, and finally they did separate, Cabeza's boat being left alone, the others drifting onward. On November 6, 1528, after having been at sea for forty-five days, Cabeza's barge and its surviving occupants (with whom was Lope de Oviedo) was caught by a swell of surf and thrown upon a sandy stretch of land on the coast of Texas, which proved to be an island, which Cabeza called "Malhado." Castillo and Dorantes' party had been cast ashore on the same island the day before.

From this point on the students of the route of Cabeza de Vaca cannot agree on localities. Early historians fixed the landing place as Galveston Island. Others have placed the locality at any one of a dozen points between Galveston Island and Aransas Pass. Castaneda says, the western extremity of Galveston Island, or San Luis Peninsula, or Bolivar Point. Bancroft places it as Matagorda Island. Davenport and Wells are positive that it was San Luis island, now a peninsula. Bethel Coopwood puts the entire locale of the first act of the Narvaez-Cabeza tragedy wholly within the area which was part of original Refugio County. According to his thesis, which is a most convincing one, the parties of Cabeza de Vaca and Castillo and Dorantes were wrecked on St. Joseph's Island. Judge Coopwood states

"The first natural fact leading to the identification of this island is the current in the Mexican Gulf, known as the littoral current,

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<sup>5</sup> Castaneda, *Catholic Heritage*, I, 53



drifting floating objects towards the Texas coast, striking with its greatest force about the northern end of St. Joseph's Island and surging southward down its coast and that of Mustang and Padre Islands. And a careful study of this littoral current will show that it was most natural for the boats, once thrown upon it, to be drifted by it to St. Joseph's Island, which is most probably the one they struck on November 6, 1528.

"The Indians on that part of the coast were, in later years, called Carancahuaces; and their stature was such as to make them seem to be giants, even without the fear Cabeza says they inspired in the Spaniards.

"Cabeza says: 'The Indians having Alonso de Castillo and Andres Dorantes and the others remaining alive, being of another tongue and other kindred, crossed over to another part of the main to eat oysters, and remained there until the first of April, and then returned to the Island, which was at the widest of the water, two leagues from there, and the island is half a league in width and five leagues in length.'

"While this suits St. Joseph's Island, it cannot be adjusted to any of the others from Pass Caballo to the mouth of the Bravo. Matagorda Island is fully ten leagues long, and this fact alone would exclude it from being Mal-Hado though all of the circumstances from its end on Cedar Bayou forward on the main, are the same as those from St. Joseph's Island at the same place; and all the other circumstances of both are about the same, except that there was an island back of Mal-Hado to which the clergyman and negro went the first winter, and whence they were brought back in a canoe by the Indians in the Spring, when Castillo and Dorantes returned to the Island. Matagorda serves as the island back of St. Joseph's from which it is separated by Cedar Bayou.

"Mustang Island is nearest the same length as St. Joseph's, it being about 38,000 varas, or 7 leagues and three-fifths, in length. But the other facts will exclude it.

"From a point on the main opposite of the mouth of Cedar Bayou about two leagues on, at the head of a small bay now called St. Charles Bay, there puts in a stream called Bergantin Creek, which assumes the appearance of a river when swollen by heavy rains. Three leagues further on is Copano River (creek). Thence four leagues is Mission River. From the latter it is five or six leagues to the Aransas River. These make the four crossed before reaching the *ancon* or bay a league wide; and from the Aransas to the reef cross-

ing, where the San Antonio and Aransas Pass (Southern Pacific) railway now crosses, the *ancon* between Nueces and Corpus Christi bays, is about ten leagues. So these facts meet and satisfy the description given by Cabeza.

"On this statement of the case, it will be assumed that St. Joseph's Island is the veritable Mal-Hado, on whose sea coast the boats stranded on the sixth of November, 1528.

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"In the light of all the foregoing facts, a reference stake, marked A, may be set on the northern end of St. Joseph's Island to mark Mal-Hado, as hereafter referred to; and another may be set opposite the mouth of Cedar Bayou, marked B, to designate the point at which the route in question began on the main. And on a point of high land at Corpus Christi, in front of the cathedral, another may be set marked C, to designate the spot where Cabeza and Oviedo met the Indians who gave them notice of Dorantes, Castillo, and the negro being with the other Indians, and the spot where Cabeza stood when he saw what made him believe the bay was the one "they call del Espiritu Santo."

As to the claim for Galveston Island being the Mal-Hado of Cabeza, Judge Coopwood says:

"Galveston Island is twice as long as Mal-Hado is described to be, and could not be connected with either Espiritu Santo or Corpus Christi Bay by any such circumstances as those described by Cabeza. \* \* \* "6

The crew of the Castillo and Dorantes barge, which had been cast ashore about four miles up the beach, joined the Cabeza party the day after the latter's shipwreck. The two groups now consolidated died off, and the few survivors became captives of the Karankawans. The Spaniards appear to have been fairly well treated by the Indians, and their captivity at first rather nominal. They were divided between two tribes of Indians, and thus separated. Cabeza was eventually taken from Mal-Hado Island to the mainland. During the winter the Indians forced five of the Spaniards to leave, being unable to feed them. These men wandered along the coast, starving, and in desperation began to kill and eat one another, which it is said "horried the Indians."

Before proceeding further with Cabeza de Vaca and Dorantes, the fate of the three other barges will be recounted. The boat of

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\* Coopwood, *The Route of Cabeza de Vaca*, 3 Q. 109-128

Alonso Enriquez and Padre Suarez was wrecked at some place on the coast, the locality being controversial. They started down shore towards Mexico. After travelling a short distance, they were overtaken by Narvaez boat. The governor's party was tired of the sea, and requested to be allowed to march overland with the Enriquez party. The governor agreed to the proposal, but he himself, with a few oarsmen, remained in the barge, keeping in contact with the land party and ferrying them across mouths of rivers and passes of bays. These parties appear to have gotten along down the coast to the north end of Matagorda Island. Here the governor and two men, who were with him in the barge, were drowned. Eventually, during the latter part of November, the survivors found themselves on a point of timber, which Castaneda identifies as Live Oak Point. Here the miserable starving creatures camped for some time, quarrelling with and killing members of the party, and resorting to cannibalism. Finally only two remained, Esquivel and Sotomayor. The latter died of exposure, and Esquivel ate his corpse. Esquivel, now alone, was captured by an Indian. He eventually fell in with Figueroa, who had been also captured.

The barge of Telliz and Penalosa floated farther down the coast, and was wrecked on an island in the vicinity of Aransas Pass—Hog, Harbor, or Mustang. They were found and all killed by the Indians, being too weak and emaciated to resist.

By 1529 all of the Spaniards who had been wrecked on Mal-Hado had died save about fifteen or sixteen, and some of these were quite sick. Dorantes and Castillo, who remained with the Indians on the island, determined to find their way to France, which they believed was but a short distance down the coast. The Indians seem to have had no particular difficulty in the matter, for they took Dorantes to the mainland to see Cabeza de Vaca. The latter was too ill to join the enterprise, as were two others, Oviedo and Alanis, who were on the island.

Dorantes and Castillo, with the ten or twelve who were able to travel, started southerly along the coast for Mexico, leaving de Vaca on the mainland, and Oviedo and Alanis on the island. Down the coast they found the barge which had been commanded by Alonzo Enriquez.

Dorantes and his party proceeded along the mainland, following the coast as closely as possible until they came to an *ancon*, when they fell in with Indians, who treated them as well as could be

expected, but parceled the Spaniards among several groups of Indians, so that only Dorantes and two others remained together. The Indians finally drove them away. They wandered in great distress until they fell in with other Indians, from whom they learned of Figueroa and another Spaniard. Thus the survivors of them remained until Cabeza contacted them almost five years later.

Cabeza de Vaca, after having remained a virtual slave of the Indians for almost six years, decided to escape. He and Oviedo were all who remained of the eighty men who had been shipwrecked on Mal-Hado. Oviedo was very ill, and Cabeza would not leave without him. In 1534 Cabeza de Vaca, with the sick Oviedo on his back, crossed from Mal-Hado to the mainland in hope of eventually reaching some Christian settlement. Here the controversies over locale begin anew.

Judge Coopwood states that the route of Cabeza de Vaca and Oviedo began at the mouth of Cedar Bayou, which separates St. Joseph's from Matagorda Island. The inlet was crossed to St. Charles peninsula, near the present town of Lamar. The route proceeded around St. Charles and Copano bays, crossing Burgantin and Copano Creeks, and the Mission and Aransas rivers, thence to the reefs which separate Nueces from Corpus Christi bays. The high bluff in the present city of Corpus Christi was "where Cabeza and Oviedo met the Indians who gave them notice of Dorantes, Castillo and the negro being with other Indians."

On the other hand, Bancroft states, "Of all the definite locations on the eastern coast of Texas, and I have no doubt that Cabeza de Vaca started from that coast, Espiritu Santo Bay, or San Antonio, has the best claim to be considered the initial point of this journey,"<sup>7</sup> and, again, "Cabeza de Vaca \* \* \* with three companions crossed Texas from the mouth of the San Antonio, regarded by this party as identical with the Espiritu Santo, to the Rio Grande del Norte, in 1535, on his way to the Pacific." Bancroft would have the adventurers strike out from this point on a northwesterly course towards the San Saba country. Others, such as Bandelier, who adhere to the theory that Galveston Island was Mal-Hado, fix the route straight west towards Austin and far distant from Refugio County. Williams, on the other hand, proposes two routes far south of St. Joseph's Island. On one of these routes the point where Cabeza crossed to the mainland would be in the vicinity of present day Ingleside, thence, toward

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<sup>7</sup> Bancroft, *North Mexican States and Texas*, I, 63-64, 380



the Nueces. Backett would have Cabeza land on Galveston, skirt the coast to Paso Caballo, then across to the mainland, and describe a circle from that point to the mouth of the Nueces, then northwest towards the San Saba country. Davenport and Wells place the crossing from what was the south end of San Luis Island to the mainland, and the route from thence as following the coast to Paso Caballo, crossing again to the mainland to the southwest point of Matagorda Bay, thence west to the mouth of the Guadalupe, crossing present day Refugio County a little below the Town Tract of Refugio, thence across the Aransas River to the reefs at Corpus Christi, thence on a zigzag course to the present Reynosa, Mexico.

Castaneda shows Cabeza to have crossed Refugio County about where the Town of Refugio now is and to have reached the Nueces at about the site of the Town of San Patricio, and thence to have gone in the direction of the hill country.

Interesting as is the story of Cabeza de Vaca and his companions, it would be impracticable to dwell further upon it here. Suffice it to say that of the 242 men who started with Narvaez from Florida, only five lived to reach Mexico safely. These were Cabeza de Vaca, Oviedo, Dorantes, Castillo, and the Moor, Estevanico.<sup>8</sup> The first two have left their Narratives, which have intrigued scholars for the past four centuries.

Robert Sieur de la Salle and his colonization expedition, which included his brother, Cavalier, and Henri de Joutel, historian of the expedition, landed at Matagorda Bay on February 15, 1685. Near the mouth of one of the streams emptying into the bay (Garcitas Creek or Lavaca River, probably the former), he built his Fort St. Louis. This event is said to have opened the second period of Texas history.

In the fall of the same year the daring explorer, leaving a garrison and supernumeries within the fort, departed with a body of his sturdiest troops to explore the interior of Texas. He was absent on this expedition for about six months, during which he seems to have explored the coastal area of Texas from Fort St. Louis to the Rio Grande, mapping the territory as he went along. On his return LaSalle reported to his followers that he had gone through the territories of various Indian tribes, some of whom had been hostile, and some hospitable. The hostile tribes were no doubt the Karankawas

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<sup>8</sup> Castaneda, *Catholic Heritage*, I, 1 (Map)

and Cocos, while the friendly tribes were probably the Copanes and the Coahuiltecan tribes.<sup>9</sup>

A journal of this exploration was kept by Joutel. On the map which forms part of it and which is referred to as LaSalle's map of Texas, he outlines the route in Texas taken by the party. It is indicated by the map that LaSalle explored to the mouth of the Guadalupe, near which, on the north side, is the outline of a building, which evidently represents a permanent and important Indian village or camp, else some edifice built by LaSalle himself. In the vicinity of El Copano, another smaller building is indicated on the map.

It appears more than probable that LaSalle explored Aransas and Copano Bays and visited the mouths of the most notable streams between the Lavaca and the Rio Grande.

LaSalle, as is well known, later went off to find the Mississippi River and was murdered by his own men. In the meantime, Fort St. Louis was attacked by the Karankawas, and all of its garrison either killed or captured, thereby ending the principal attempt of the French to colonize Texas. Joutel was with LaSalle's party and eventually got back to French colonies safely.

The Spaniards, on learning of the presence of French in Texas, immediately organized expeditions in Mexico to go to Texas and search for them. These expeditions were sent both by land and by sea.<sup>10</sup> The two land expeditions, in 1689 and 1691, respectively, do not appear to have crossed any part of Refugio County; but some of the maritime expeditions do appear to have minutely examined the bays, inlets, and river mouths of our county. An interesting fact connected with Alonso de Leon's expedition of 1689 is that he crossed the Guadalupe in the vicinity of the present city of Victoria and gave the river the name which it bears today.<sup>11</sup> It is coincidental that the city should have been founded by a man of the same name (Martin de Leon).

On December 25, 1686, two unique barks, which were propelled by both sails and oars and had been especially constructed for this

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<sup>9</sup> Parkman, *LaSalle and the Discovery of the Great West*, 302-402

Joutel, *Journal Historique*

Margry, *Decouvertes (Relation de Henri Joutel)* III

Bancroft, *North Mexican States and Texas*, I, 391-400

Castaneda, *Catholic Heritage*, I, 288-293

Hackett, *Pichardo*, I, 133-185

Thrall, *History of Texas*, 77-86 (LaSalle's Map of Texas, 86)

Bolton, *The Location of LaSalle's Colony on the Gulf of Mexico*, 27 Q. 171

Dunn, *The Spanish Search for LaSalle's Colony*, 19 Q. 323

Miller, *The Connection of Penalosa with LaSalle's Expedition*, 5 Q. 97

<sup>10</sup> Castaneda, *Catholic Heritage*, I, 301-340

Hackett, *Pichardo*, I, 377-378, 418-419, 133-185

Bolton, *Spanish Explorations*, 388-423

West, *De Leon's Expedition of 1689*, 8 Q. 199 (see bibliography)

Dunn, *The Spanish Search for LaSalle's Colony*, 19 Q. 323

<sup>11</sup> Castaneda, *Catholic Heritage*, I, 335-336

particular expedition, left Vera Cruz. The ships were designed to enter shallow bays and inlets and were heavily manned with troops and mounted six guns each. The vessels were commanded by Captains Martin de Rivas and Antonio de Iriarte. The captains were instructed to take on native pilots at Tampico; and from that point they were to "explore the coast carefully, noticing all rivers and inlets to latitude 30°." As further stated by Castaneda, "Proceeding up the coast slowly, and keeping close to the shore in order to be able to examine all the rivers and inlets, Rivas and Iriarte diligently noted all the important landmarks and gave names to many of them, which they still bear. By March 30 they reached a river which they called Rio de las Flores. While exploring its mouth they came upon the wreck of a ship which bore signs of French make. This river, which has not been satisfactorily identified, was about twenty miles below Matagorda Bay."<sup>12</sup> This river must have been the Guadalupe. Attention has been called to the building noted on LaSalle's map near this locality. We may be assured that the bays and inlets of Refugio County were not overlooked in this inspection, if the report of the Count of Monclova to the King is to be believed, that "the whole Gulf of Mexico has been examined with the most exact diligence possible, and no port, river, or bay along its entire coast has been found to be occupied by enemies," etc.<sup>13</sup>

This expedition having been absent for a long time without any word of it, the viceroy became alarmed for its safety. He, therefore, ordered that another expedition be sent out, this time in two frigates with 70 men on each. Their captains, Andres de Pez and Francisco Gamarra, were given the identical instructions which had been given Rivas and Iriarte. They sailed from Vera Cruz on June 30, 1687. Hardly had they left when the first expedition put safely into port. The second expedition covered the same ground as the first and also visited the mouth of the Rio de las Flores.<sup>14</sup>

Although LaSalle's colony had been dispersed, the French appear not to have relinquished their idea of establishing themselves in Texas. In 1712 a party of French landed on St. Joseph's Island, and having been lulled into a feeling of security by the friendliness of the Indians whom they found there, were treacherously murdered by the natives.<sup>15</sup> In 1718 another party of French visited the same island and were permitted to leave without misadventure.<sup>16</sup>

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<sup>12</sup> Castaneda, *Catholic Heritage*, I, 308

<sup>13</sup> Castaneda, *Catholic Heritage*, I, 310

<sup>14</sup> Castaneda, *Catholic Heritage*, I, 311

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<sup>16</sup> Chabot, *Morfi, Indian Excerpts*, 49, note 54

In 1719 occurred another incident, which, like the adventures of Cabeza de Vaca, has added glamour to history and controversies among historians. There is no doubt the incident really happened, but its locale is the subject matter of dispute. Some part of it could have happened, and probably did happen, in Refugio County. Yoakum states that it originated at Matagorda Bay.<sup>17</sup> Folmer contends that the adventure began at Galveston Bay.<sup>18</sup> On August 14, 1719, the "Maréchal d'Estreé" sailed from La Rochelle, under a cruel captain, with a young man named Simars de Bellisle, aboard. The destination was New Orleans, but the captain contumaciously or through ignorance passed the mouth of the Mississippi and kept on down the gulf coast. The ship went aground off the mouth of a large bay. The captain locked himself in his cabin and let the passengers and the crew solve the problem of refloating the vessel, which they ingeniously did. The captain then resumed command and put the boat "out a little to sea, tacking the whole night." The vessel was about out of provisions, and Bellisle and four other officers held a council about daybreak and asked the captain to be put ashore so that they might hunt for food. The captain agreed to this request and to wait five days for the huntsmen to return to the vessel. The five officers were put ashore that afternoon from the ship's shallop, which returned to the ship. When the huntsmen awoke the next morning, the ship was gone. The captain had sailed away heartlessly, leaving the five men in a strange and hostile land, with no supplies save the arms and ammunition they had taken with them.

The five officers wandered over the area, and Bellisle saw four of his companions die of starvation and buried them where they died. He was driven to the extremity of eating his own dog. Finally one morning he saw some Indians on an island and made his way to them. They stripped him of his clothing, but otherwise at first treated him kindly and fed him. Soon, however, they changed their attitude and made a slave of him and used him most cruelly. The Indians were cannibals, and Bellisle witnessed them eating one of their enemies whom they had killed in battle. Yoakum states that his captors were Karankawas. Bellisle, in his *Memoirs*, calls them Caux, the French pronunciation of which is "Cokes." Hence, he must have been a captive of the Cocos, a branch of the Karankawan group. He accompanied the Indians to the buffalo range. This required three days'

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<sup>17</sup> Yoakum, *History of Texas*, I, 69

<sup>18</sup> Folmer, *DeBellisle on the Texas Coast*, 44 Q. 204



travel on horseback, but the Indians made the poor Frenchman trot on foot, with a heavy pack on his back.<sup>19</sup>

Bellisle heard from the Indians of a white man living afar off; and on his commission he wrote a letter to this unknown person, and his captors agreed to send it through. After many weeks the letter got into the possession of the Asanai tribe, whose habitat was between the Neches and Louisiana. These Indians delivered the letter to St. Denis, at whose instance a delegation of Asanais went to the coast to seek Bellisle and bring him to St. Denis.<sup>20</sup>

To give some idea of the distance Bellisle was from Louisiana, he states: "This letter finally reached the last band, which lives at a distance of more than a hundred leagues from the place I was, and at a distance of ten leagues from a tribe called Biday [Bidai] . . . These Asanais were visiting this band where my papers were. . . . The Asanais . . . took them and left from there to return home, which is at a distance of seventeen or eighteen days from that place. When they arrived there . . . they decided to take them to Mr. de Saint Denis, who lives at "Nachitoches," and at a distance of seventy leagues from these Asanais." He further states that on his return (on horseback) with the Asanai delegation which obtained his freedom from the Caux, "at the end of four days we reached the first village of the Bidayes . . . We traveled in this manner more than seventeen or eighteen days at the end of which we reached the first village of the Asanais." Here Bellisle sojourned and became the lover of an Indian widow. This affair is considered one of the romances of history, and a celebrated picture is to be found, representing Bellisle's parting from his Indian sweetheart. It required six days on horseback to go from Asanai village to Nachitoches.<sup>21</sup>

The map which was drawn at Bellisle's direction when he afterwards revisited the bay at which he had been abandoned could pass for Matagorda Bay as well as Galveston Bay. In fact, there is a general resemblance between the two. However, Galveston Island had but one island south of it, while Matagorda Island has several, as shown by the map. Again, the distances as described by Bellisle would be too great to be calculated from Galveston Bay, whereas they would be about in line with the distance from Nachitoches to Refugio County. Therefore, there is a strong probability that Bellisle passed part of his captivity in Refugio County.

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<sup>19</sup> Yoakum, *History of Texas*, I, 69-71

<sup>20</sup> Folmer, *De Bellisle on the Texas Coast*, 44 Q. 204

<sup>21</sup> Folmer, *De Bellisle on the Texas Coast*, 44 Q. 204

In 1721 a French expedition under Bernard de la Harpe, with which was Bellisle, entered Matagorda Bay and landed there. A fort was built and a settlement begun, but such was the hostility of the Karankawas that the French remained only a short time. They reim-barked and returned to Louisiana.<sup>22</sup>

The result of these latest French attempts against Texas was to spur the Spanish to action. The Marquis de Aguayo headed an expedition to Matagorda Bay, which arrived at the site of LaSalle's old fort in March, 1722. On April 6, 1722, the foundations for a new *presidio* were begun on the very site of LaSalle's fort. A few days later the governor founded the Mission of Espiritu Santo de Zuniga de la Bahia (Loreto), the first mission ever built for Karankawas.<sup>23</sup> This mission, as has been stated, was moved to Mission Valley and then to Goliad.

Some of the most notable and thorough explorations of Refugio County were those made at the behest of the illustrious Jose de Escandon, between 1745 and 1747. Escandon, it will be remembered, had been commissioned, in 1746, to pacify and colonize that part of the Seno Mexicana now known as Nuevo Santander or Tamaulipas. At that time the boundaries of that province extended to the San Antonio River. Among the many towns and settlements established by Escandon, in accordance with his commission, are the present towns of Laredo, Guerrero, Mier, Reynosa, and Camargo on the Rio Grande. The project had been in existence since 1740, but had laid dormant pending choice of the colonizer.

Jose de Escandon, who proved himself one of the greatest colonizers of history, proceeded to work with intelligence, system and dispatch. He obtained the assistance of the authorities of Coahuila, who detailed Captain Joaquin Orobio y Basterra, of the Presidio of La Bahia (then located at Mission Valley, in the jurisdiction of Coahuila), to cooperate with Escandon. The plan of Escandon was to thoroughly explore and map the country in which his colonies were to be founded.<sup>24</sup> He himself explored the territory south of the Rio Grande, while Captain Basterra explored that between the San Antonio and Rio Bravo.<sup>25</sup>

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<sup>22</sup> *La Harpe's Historical Journal*, 78, 86, 95, et seq.

Yoakum, *History of Texas*, I, 72-73

Bancroft, *North Mexican States and Texas*, I, 615-616

Rodnick, *History of Goliad Missions and their Indians*, MS

<sup>23</sup> Yoakum, *History of Texas*, I, 74-75

Bancroft, *North Mexican States and Texas*, I, 617-618, and bibliography in notes thereto.

Castaneda, *Catholic Heritage*, II (110) 147-148

<sup>24</sup> Castaneda, *Catholic Heritage*, III, 130-196

Estado General de los Fundaciones Hecha por D. Jose de Escandon en la Colonia del Nuevo Santander, Volumes I and II. Publicaciones del Archivo General de la Nacion Tomo XV

<sup>25</sup> See Chapter IV post

Escandon remained a dominant figure in the Eastern Provinces for many years. In 1766, as a result of the "English scare," Escandon made detailed investigations with regard to Padre, Mustang, and St. Joseph's Islands, and a general investigation as to Matagorda Island (then known as Culebra). These investigations do not seem to have been made personally but by taking depositions of those who were familiar with the subject.

In connection with the investigations of the islands, Ortiz Parrilla was placed in charge of an expedition which left San Juan Bautista on the Rio Grande, on September 13, 1766, and headed towards the Nueces River, crossing below Mathis and followed it to its mouth. He sent detachments to explore Padre and Mustang Islands. Explorations were conducted around Corpus Christi and Nueces Bay from Corpus Christi to Ingleside. This having been accomplished, the party struck across country to La Bahia (then at Goliad), passing very near the present town of Refugio. From Goliad, Parrilla explored down the south side of the San Antonio River to the mouth of the Guadalupe, then went across country to Matagorda Bay, striking it about the site of old Indianola.<sup>26</sup>

A result of the Parrilla expedition, of particular interest to Refugio County, was the establishment of military coast guard posts along the coast. Upon the recommendation of Captain Piscina of the La Bahia garrison, transmitted to the governor through Parrilla, such a military post was established "on the coast at a point approximately half way between the Guadalupe and Nueces Rivers."<sup>27</sup> The old Spanish fort of Aranzazu, on Live Oak Point, was probably this coast guard post.<sup>28</sup> The little fort at Mesquite Landing was probably another.<sup>29</sup>

It is probable that numerous small exploring parties visited the coasts of our county between 1766 and 1785 and that much geographical and nautical information was added to that previously acquired. To deal with such explorations and cartographers would extend this history into an undesirable minuteness; hence, we will forego it. Despite the many explorations which had been theretofore made, the geography of the Texas coast was not known, except in a general way, until Don Jose de Evia charted it in 1785. It seems that the hostility of the Karankawas toward the Spaniards deterred the latter from making explorations of the coast except in large force;

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<sup>26</sup> Castaneda, *Catholic Heritage*, IV, 215-221

<sup>27</sup> Castaneda, *Catholic Heritage*, IV, 221, 244

<sup>28</sup> Philip Power, *Memoirs*

<sup>29</sup> Oberste, *History of Refugio Mission*

hence, acquisition of this valuable knowledge was neglected by the landmen and left to seamen to obtain.<sup>30</sup>

On May 15, 1785, at 5:30 in the morning, the Evia expedition, composed of two schooners, the *Grande* and the *Chica Besaña*, sailed from Florida to explore and chart the gulf coast from Barataria (Lafitte's refuge), to the Rio Bravo.<sup>31</sup> He appears to have conducted his explorations north to south until he reached the pass of Corpus Christi; then he put into a Mexican port. There he appears to have received special instructions from Galvez to retrace his route to the Bay of San Bernardo, and he then proceeded to explore the coast from south to north, taking with him some *pirogues*, which could navigate shallow waters. The plan appears to have been to land a party on shore, the *pirogues* following the march of the troops until impassable places were reached, when the troops would be taken aboard the *pirogues* and rowed until solid ground was found, where the land march could be resumed. The land party was under command of Captain Don Elias de Castro.<sup>32</sup>

We will quote from Evia's diary on the northward voyage:

"The 9th day dawned clear and pleasant, with the wind calm. At five o'clock in the morning I went out across the bar with all the *pirogues*, as before, coasting toward the north, a quarter northwest, along the beach. Another *pirogue* sailed outside sounding. Captain Don Elias Castro followed me by land, with all the infantry and *tropa de cuera* . . . At 11 o'clock I came to another bar, very wide, which communicated with a large lagoon. I remained there in order to observe and examine all of it.

"From the latitude mentioned I followed the margin of the coast to the north, and north 5° west to latitude 28° 10' where there is to be found another bar with shallow water, which they call Pasa del Caballo. The Lago de San Jose is 16 minutes distant to the northwest of it. From the said latitude of 27° 30' the lagoon becomes steadily more narrow until the bay of San Bernardo is reached. From the said Pasa del Caballo toward the north, the coast runs east, following the line of the bay of San Bernardo. I was unable to reconnoiter more than a distance of four or five leagues from the said pass because the swampy land prevented the horses and men on foot from passing on. In addition to this we had not found any drinking water for two days, and there was little prospect of finding any farther on. But with this, during the past year, I had reconnoitered from the bay of San Bernardo toward the southwest, and on account of the

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<sup>30</sup> Hackett, *Pichardo*, I, 410

<sup>31</sup> Hackett, *Pichardo*, I, 352

<sup>32</sup> Hackett, *Pichardo*, I, 420-422; 441-442



distance that I had missed being very little, I have completed the map.

"This entire coast is full of the fragments of vessels of all sizes carried there by the current and of the continuous wind from the second quadrant. I verified this statement when I found fragments of the ship *Dragon* which was wrecked in Campeche sound. From the Lago de San Jose to the bay of San Bernardo the lagoon grows narrower. It communicates with the said bay by the channels which are shown on the map. Warning should be given that during the hurricanes the sea goes into the lagoons covering all the tongues, or spits of sand, with driftwood, as far as the peninsula."

In his diary of the voyage made for the reconnaissance of a part of the coast of the Mexican Gulf from the Rio de Tampico to the Bay of San Bernardo, which he failed to locate, made by the order of . . . the Count of Galvez . . . he likewise adds:

"The 11th day dawned fair, with the wind from the east-southeast, and at half-past four I began to navigate, by oar and sail, in the direction of the north-northeast and northeast, a quarter north. At nine o'clock in the morning, having sailed nineteen miles, we came to a bar, which I entered in order to land the horses and troops, and in order to reconnoiter it. I found it five or six feet deep and two to three fathoms inside, as far as the adjacent lagoon. Having observed its latitude, I knew that it was the one that the English call Paso del Cavallo; it is similar to the bar of San Bernardo. I also reconnoitered the Lago de San Jose, which is 3 to 4 feet deep, and disembogues through it (the pass) as likewise does the Rio de las Nueces, according to what the pilots tell me. The natives call this pass that of Corpus Christi. I found no fresh water in this place either, but I decided not to go in search of it on the peninsula, which was just visible across some intervening lagoons. Notwithstanding the dilemma in which I found myself, and the known danger to which I exposed all the men, I decided that all the troops and horses should cross. By noon I had entirely finished my reconnaissance, and I found the latitude to be  $28^{\circ} 10'$ .

"I continued coasting to the northeast near the shore until two o'clock in the afternoon, when they sent me word that the ground was impassable for the horses and the men on foot, who tired out from thirst and the hard travelling, were unable to keep on. (Perhaps this is the place which Captain Alonzo de Leon reached, and beyond which he was unable to proceed, as Father Massonet has told us above in number 204.) Upon hearing this news, I told them to await me in that place while I went with the pirogues to reconnoiter two leagues to the northeast.

"Having found the land increasingly swampy, and muddy, and seeing the difficulties which presented themselves, I determined to return to the place where I had left the troops awaiting me, so as not to take any unnecessary risks. I was now satisfied that it was the island which extends to the southwest point of the entrance of San Bernardo, from which it would be twelve leagues distant, and it was of little importance to reconnoiter it in view of what I had discovered during the past year.

"At half past three in the afternoon I joined Captain Don Elias de Castro and his troops, who, being unable to cross, were awaiting me. I told him that I had decided to return, considering that all the men were in danger of perishing for lack of water, and there being no hope of finding any further to the northeast. It was the season of the year for strong lateral winds, and if one should strike us, we should all inevitably be drowned. The said captain concurred in my opinion, especially when I told him how near we were the bay of San Bernardo, a greater part of which distance I had reconnoitered during the preceding year, and because of the extremity in which we now found ourselves, and because for a distance of more than four leagues I had found nothing but marshes."

The maps of the coast made by Evia on this voyage were by royal order consolidated into a single map by Juan de Langara, in 1799, and is known today as the Langara map.<sup>33</sup>

The result of Elia's exploration was the establishing of the port of El Copano, by Galvez' vice-regal decree in 1785. The place, however, had been used for landing supplies for La Bahia as early as 1750.<sup>34</sup>

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<sup>33</sup> Hackett, *Pichardo*, 350 (Langara's Map)

<sup>34</sup> Huson, *El Copano*, 6

The presidio of La Bahia was supplied from the sea as early as the 1720's. (Pichardo, II, 110-111)

## CHAPTER IV

# TAMAULIPECAN COLONIZATION

HE COASTAL AREA of Texas between the Rio Bravo and the Rio San Antonio was, until the year 1805, considered to be a part of the *intendencia* of Nuevo Santander, later the Mexican state of Tamaulipas. The claim of Nuevo Santander to territory lying east of the Nueces was disputed for many years by the *intendencia* of Estramadura, afterwards the state of Coahuila. The dispute was settled in 1805 by a royal *cedula*, which restricted the north eastern limits of Nuevo Santander to the Nueces River.<sup>1</sup> Despite this award, the division line was questioned even as late as 1835, when Colonel Almonte contended that the Aransas River was the true boundary.<sup>2</sup>

The long Tamaulipekan domination of this vast disputed area left an impressment upon the character of the Hispano-Mexican inhabitants and their political predilections, which lasted until Texas became a state of the American Union. In this Tamaulipan influence may be found an explanation of the attitude of the Texians of the Refugio section towards the Federalist movement in Tamaulipas in 1838-1841 and their active participation therein.

The labor of conquering and colonizing the *Seno Mexicano* was committed to Colonel Jose de Escandon in 1746. Perhaps no important commission assigned to a leader was ever executed with as much wisdom, ability, success, and lasting benefit, and with less violence, bloodshed, and injustice, as was the one given the able Escandon. The territory assigned to him extended from Tampico to the San Antonio River; hence, included what is now Refugio County.<sup>3</sup>

The exploration of the country from Tampico to the Rio Grande was conducted by Escandon in person, while that from the Guadalupe River to the Rio Grande was made by his able lieutenant, Captain Joaquin Orobio y Basterra, commandant of the *presidio* of La Bahia del Espiritu Santo, located at Mission Valley, on the Guadalupe.

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<sup>1</sup> Prieto, *Historia, etc. del Estado de Tamaulipas*, see Escandon's Map; *Royal Map of Coahuila, Tamaulipas and Texas, 1805*; Cox, *The Southwest Boundary of Texas*, 6 Q, 95; Fulmore, *History of Texas Geography*, 1 Q 14; Scott, *Historical Heritage of the Rio Grande*, 118-119.

<sup>2</sup> Almonte, *Statistical Report on Texas, 1835*, 28 Q. 185.

<sup>3</sup> *Estado General de las fundaciones hechas por D. Jose de Escandon en la Colonia del Nuevo Santander costa del Seno Mexicano*, Toms XIV, Publicaciones del Archivo General de la Nacion. (2 volumes); Hill, *Jose de Escandon and the Founding of Nuevo Santander*; Bolton, *Texas in the Mid-Eighteenth Century*, 57, 291 et seq.; Castaneda, *Catholic Heritage*, III, 130, 142-145, 150-151, 177-184, 186-188; Scott, *Historical Heritage of the Lower Rio Grande* 8 et seq.

Captain Basterra and his company of 50 men, with which was the *padre* Juan Gonzalez, left La Bahia on January 29, 1747, after a heavy snow storm had subsided. The party marched southwest to the San Antonio River, camping at a place which its leader named Santa Clara. After exploring the country west of present Goliad, the party returned to its Santa Clara campsite, from which it began explorations down the river. One of the spots passed was named Santa Dorotea, near which stone and building materials were observed. Near Santa Dorotea was a Cujane village, and nearby a Karankawa *hacienda* containing upwards of a hundred families.

The San Antonio River was explored to the mouth of the Guadalupe, and an examination of San Antonio Bay was made. Basterra probably noted Mesquite Landing as a desirable place for a wharf-site. Here was located a large Karankawa encampment. Having explored the inlet bays into which the river emptied, the party returned to San Dorotea, where it remained until another snow storm had passed.

The march was taken up once more on February 16. The route was in a southwesterly direction to the Nueces River. Six *arroyos*, containing abundant fresh water, were crossed enroute. These Castaneda identifies as the Sarco, Mugerera, Blanco, Medio, Aransas, and Papalote. The march of twenty-five leagues required four days and ended at a fresh water lake near the Nueces River at a point which Castaneda fixes as being between San Patricio and Calallen. Basterra named this camp site Santa Barbara. Observations as to the character of the country and its possibilities for irrigation, agriculture, and ranching were made and carefully recorded.

From Santa Barbara the Basterra party explored the Nueces River to its mouth, and determined that it did not, as had been supposed, empty into the Rio Grande, but into a bay. Nueces and Corpus Christi Bays were examined. To the latter Basterra gave the name San Miguel Arcangel, by which it was known for many years thereafter. The explorations were continued from Corpus Christi to the Rio Grande.<sup>4</sup>

As a result of the explorations of Escandon and his lieutenants numerous towns were founded along the Rio Grande and south thereof, including Camargo, Mier, Reynosa, Guerrero, and Laredo. It was Escandon's purpose to colonize north of the Rio Grande as well as to the south thereof. Accordingly, he decreed that a town to be called the Villa de Vedoya be established at the mouth of the Nueces and another at the site Santa Dorotea, on the San Antonio

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<sup>4</sup> Castaneda, *Catholic Heritage*, III, 142-145; *Caller-Times*, *Corpus Christi, a Guide*, 35; Hill, *Jose de Escandon*, 63; Bolton, *Texas in the Mid-Eighteenth Century*, 293-295, 300-302.



River, to be called the Villa de Balmaceda. The mission and presidio of La Bahia de Espiritu Santo were ordered removed from Mission Valley on the Guadalupe to Santa Dorotea. The presidio and mission were moved to the new location in 1749,<sup>5</sup> and such was the beginning of the town of Goliad. The Villa de Balmaceda, however, failed to materialize.

It has been stated, but the statements cannot be verified, that Escandon selected the site of the present town of Refugio as a site for one of his villas. The author was informed several years ago by an eminent lawyer versed in Mexican law that Escandon not only projected a pueblo at Refugio but actually founded it and installed an *ayuntamiento* and that the informants had seen documents which conclusively established these facts. The author, however, has been unable to locate any such material.<sup>6</sup> The same informant stated that Escandon had established a town named Corpus Christi on either Mustang or Padre Island. These assertions are given here for the benefit of those who might desire to investigate them.

There can be little doubt but that under Escandon's aegis a landing was established below the junction of the San Antonio and Guadalupe Rivers, for the purpose of supplying the *presidio* and Mission at Goliad. This landing became known as Mesquite Landing or *El Muelle Viejo*. A mission ranch was early established at the landing. Father Oberste, in his admirable *History of Refugio Mission*, states, "*The Rancho de los Mosquitos* was probably at one time a part of the grazing lands of Espiritu Santo Mission. It could accommodate the thirty to forty thousand head of cattle possessed by Espiritu Santo in the latter half of the eighteenth century. For many years the ranch had been mentioned by name in various official letters. In fact, certain breastworks and towers must have once been built there, for Governor Munoz refers to the place as a fort."<sup>7</sup> It would appear also that as a result of Escandon's efforts east of the Nueces, the fort of Aranzazu was built at Live Oak Point and another at the Aransas Pass end of St. Joseph's Island.

Escandon visualized the coastal plains of southwest Texas as a theatre for great ranching operations. At his behest a colony was sent up from Nuevo Santander to settle the Villa de Vedoya on the Nueces. Because of the hostility of the Indians the colonists were compelled to return to the Rio Grande. However, stout-hearted

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<sup>5</sup> Bolton, *op. cit.* 296; Castaneda, *op. cit.* III, 177-180.

<sup>6</sup> See Kenedy, *Texas*, 222, which indicates the founding of a *presidio* at Refugio contemporaneously with the founding of La Bahia at Goliad.

<sup>7</sup> Oberste, *History of Refugio Mission*, 359 (Note 9).

individuals ventured forth into the territory between the Nueces and the Rio Grande, and established *ranchos*, some establishing ranches on the east side of the Nueces. From Bexar and La Bahia (Goliad) ranching activities radiated out, fan-like, until the tops of the fans touched, and by 1760 *ranchos* dotted the entire country between La Bahia and the coast, La Bahia and Bexar, La Bahia and the Nueces, and the Nueces and the Rio Grande. It has been stated, and probably correctly, that numerous grants were issued covering lands from the Rio Grande to the San Antonio. While records of Spanish grants of land between the Rio Grande and the Nueces are still to be found, none covering lands between the Nueces and the San Antonio, within the ten littoral leagues, are to be located in the General Land Office, although some probably were made, as has been asserted.

Nevertheless, it is certain that many Spanish ranches existed in our section of Texas in 1766. Bolton, in his discussion of Marquis de Rubi's inspection of Texas in 1766, states, "Turning his [Rubi's] attention to the Gulf coast policy, he said, contrary to the opinion of some, that it was impossible, even if necessary, to occupy the Texas part of that coast by land because of its inaccessibility from the Gulf and of its bad climatic conditions. He advised, therefore, that the *Presidio* of Bahia del Espiritu Santo should remain where it was, on the San Antonio River, for these reasons as well as to protect the well-stocked ranches already established there and the people whom it was proposed to remove thither from the eastern frontier."<sup>8</sup>

Bolton, in another of his scholarly works, states:

"In subsequent years ranching north of the Rio Grande gradually increased and extended northward, reaching the Nueces River. In 1761, Escandon spoke of the Rancho de Dolores [on the Rio Grande] as 'very large.' At the same time he spoke of extending the ranches near the Rio Grande eastward to meet those established from Bahia as a center. In 1766 he was still promoting the same policy."<sup>9</sup>

From the accounts of Almonte and others it is clear that the coastal country contained many ranches, with herds of almost unbelievable size, from the early part of the eighteenth century to the beginning of the Mexican War for Independence. Even the islands had ranches on them. In the flood of 1808, 50,000 cattle are said to have drowned on Padre Island alone.<sup>10</sup>

With the rise of the missions in the lower Guadalupe-San Antonio River area, much of the lands in the coastal sector

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<sup>8</sup> Bolton, *The Spanish Abandonment and Re-occupation of East Texas*, 9 Q 78.

<sup>9</sup> Bolton, *Texas in the Mid-Eighteenth Century*, 301; Castaneda, *Catholic Heritage*, III, 164-165.

<sup>10</sup> Almonte, *Statistical Report*, 28 Q 181; Brown, *History of Texas*, I, 33.

between the Guadalupe and Nueces Rivers was allocated for the support and maintenance of the several mission establishments. Thus we find lands appertaining to Rosario Mission extending along the Aransas River from 1759 to 1807 and lands appertaining to Refugio Mission extending along the San Antonio, Aransas, and Nueces Rivers. Ranch headquarters of the last named mission were to be found at Mesquite Landing, at the site of the present town of Refugio, at Mission Bay, and at Santa Barbara, on the Nueces.<sup>11</sup> Portions of the mission lands were tilled or ranched extensive herds of cattle and live-stock. In 1808 Refugio Mission is said to have possessed 5,000 live-stock of all kinds.<sup>12</sup> The major portions of the mission lands, however, were farmed out to tithesmen (*diesmeros*), who paid annual rentals of a tenth of the profits derived from their operations.<sup>13</sup>

Lands not allocated to mission support were ranched by private persons, the most of whom were soldiers, active or retired, living at La Bahia. Some of these old soldiers leased privileges of ranching on the mission lands and became *diesmeros*. Upon the extinguishment of Rosario Mission the vast area which had appertained to it became released to the public domain, and was immediately taken over by individual *rancheros*. Some of these persons, no doubt, moved in before the mission had been formally extinguished. Such subsequently happened in the case of Refugio Mission lands. Most of the principal *rancheros* endeavored to get titles from the government. Fulmore and others state that numerous titles were granted by Tamaulipas authorities between 1749 and 1805 in the coastal area between the Nueces and the San Antonio Rivers, but, if so, the record evidences thereof have not been uncovered. Many titles are of record covering lands between the Rio Grande and the Nueces. Numerous applications for titles were made to the *ayuntamiento* of Goliad, which in several instances attempted to confer title.

Among the most notable of the earliest ranches in this section were those of Captain Manuel Ramirez de la Pizini (established near Goliad in the 1750's), and Captain Blas Maria de la Garza Falcon (established about 15 miles above the mouth of the Nueces, prior to 1766). The latter ranch was named the *Santa Petronilla*. Somewhat later Manuel Vasquez established *El Carrizo*, and

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<sup>11</sup> Oberste, *History of Refugio Mission*: (see notes, pp 355, 358, 360) Ramsdell, *Spanish Goliad*; Bolton, *Texas in the Mid-Eighteenth Century*; Bolton, *The Spanish Abandonment and Re-occupation of East Texas, 1773-1779*, 9 Q 67, 78.

<sup>12</sup> Linn, *Reminiscences of Fifty Years in Texas*, 334.

<sup>13</sup> Oberste, *op. cit.* 273, etc.



Miguel Delgado established the *San Miguel de Buena Virtud*, both on the Nueces. In the last years of the eighteenth century, Martin de Leon established ranches on both the Nueces and Aransas Rivers, as did Captain Felipe de la Portilla. De Leon lived on both ranches until about 1824, then, failing to get titles to these lands, he moved to the Guadalupe and founded the *villa* of Victoria. In 1824 De Leon drove a large herd of cattle from his Refugio ranches to New Orleans.<sup>14</sup>

Another noted ranch was established on Nueces Bay, in 1810, by Captain Enrique de Villareal. This *rancho*, known as the *Rincon del Oso*, is the site of the present City of Corpus Christi. Captain Villareal, however, did not get his title thereto until November, 1831.

After 1821 there appears to have been a scramble for possession of mission lands in anticipation of early secularization of the missions. Prospective grantees seem to have selected the areas to which they eventually hoped to get title and established *haciendas* thereon. They apparently proceeded upon the theory that the first who came would receive preferences. Captain Treviño established a ranch at the head of Melon Creek, then known as Treviño. Captain Fernandez established a ranch on the San Antonio River near Mesquite Landing. *Haciendas* on the north side of the Aransas were established, prior to 1823, by Captain Jose de Jesus Aldrete, Lieutenant Jose Maria Cobian, and Captain Enrique Pobedando.

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<sup>14</sup> Ramsdell, *Spanish Goliad*; Henderson, *Minor Empresario Contracts*, 32 Q. 5; Brown, *History of Texas*, I, 120-121 (note); Chabot, *Letters, Texas in 1811, 120-122*; *Victoria Advocate*, (Ann. Ed.) September 28, 1934, 10.

Maximo Gomez, on October 14, 1873, gave his deposition in cause No. — in Refugio District Court, *John H. Wood v Joseph Toups*, et al. At that time the witness was 75 years of age. He testified: "I am acquainted with the country lying between the Aransas and Mission Rivers. The place formerly called 'El Alamo' is situated on this side or on the left bank of the Aransas River where there formerly stood a cottonwood tree on the bank of the river. In front of the 'El Alamo' there is a lake of water and back of the lake there are some gullies. I do not know the exact distance above the house of Rafael Aldrete but would suppose it to be about a half mile. The old *Rancho* of Martin De Leon on the Aransas River was above the 'El Alamo' where the river makes an elbow on the east side of the road now leading to the Mission of Refugio. The said *Rancho* was above the *Rancho* of Rafael Aldrete, about a mile more or less. The old road from Refugio to the *Rancho* of the *Empresario Power* passed beyond the upper side of De Leon *Rancho* and crossed the Aransas River where the river makes on this side a *rincon* or bend. I do not know where was the upper corner of the  $5\frac{1}{4}$  league granted to Jose Miguel Aldrete and his son, Jose Maria. It was never pointed out to me by any person. I was acquainted with Juan Pobedando. He is dead. He died in Matamoras, Mexico, when Santa Anna's forces returned from the invasion of Texas. He left two sons, one by the name of Augustin who died when about 7 or 8 years of age, and the other by the name of Miguel Pobedando, who lives on the Garcitas in Victoria County. Juan Pobedando received a grant in the Colony of Power & Hewetson some place on the river below Aldretes'. The old road from the Mission Refugio crossed the Aransas River above the old ranch of Martin De Leon and did not cross either above or below the ranch of the *Empresario Power* for I never knew him to have a ranch on the Aransas River. It did not cross above the ranch of the *Empresario Power* as he had no ranch there, but it did cross above and by the old ranch of Martin De Leon and crossed in the bend of the river. I do not recollect having said anything about the corners or boundaries of the Aldrete land to Joseph F. Smith. I told J. F. Smith and Jose Castillo I could go at any time and point out where the old ranch of Martin De Leon stood. I am not related to Juan Pobedando or his heirs. I have no interest in this suit."



Captain Aldrete was *commandante* of La Bahia in 1820. He was the father of Jose Miguel Aldrete, who will be prominent in subsequent history. Jose Miguel was a son-in-law of Martin de Leon. The land pre-empted by Captain Aldrete was at *El Alamo*, on the north bank of the Aransas. It is probable that when Martin de Leon decided to abandon the lands, his kinsmen, the Aldretes, and Rafael Monchola, took them over, as we find them afterwards receiving title to parts of the identical lands formerly occupied by De Leon.<sup>15</sup>

Lieutenant Cobian was inspector of the port of El Copano for several years. His ranch, which he named *La Luz*, was located near the De Leon ranch and dated from the early 1800's. Captain Pobedando, father of Juan, established a ranch adjacent to Cobian's about the same time. These *haciendados* applied for grants but never obtained them. Portions of the *haciendas* were later granted to their descendants as Power and Hewetson colonists.

Other early Spanish and Mexican families who had taken up ranches in our section, most of whom were in possession prior to the Irish colony, were those of Auda, Bacera, Barrera, Blanco, Buentello, Carbajal, Castillo, Castro, Cobarrubias, Delgado, Falcon, Flores, Galan, Gallardo, Galvan, Garcia, Garza, de la Garza, Gonzalez, Goseacochea, Hernandez, de Leon, Manchola, Huizar, Moya, Musquiz, Navarro, Nira, Nuñez, de la Peña, Perez, del Prado, Ramon, Reojas, Reyna (Reñe), Rios, Rodriguez, Sarbriego, de los Santos, Serna, Suarto, Torres, Valdez, Villa, Villareal, de la Viña, and Ybarbo. All of these subsequently received their titles through the Power and Hewetson colony.<sup>16</sup>

It is to be noted that a majority of these colonial Spanish and Mexican families were *Tamaulipecanos*, or were intermarried with old Nuevo Santander stock. Most, if not all, of Martin de Leon's colonists originated in Tamaulipas. A great many of these families eventually returned to Tamaulipas between 1835 and 1870.

A historic ranch of the early 1820's was that of the Padre Valdez, located in the forks of the San Antonio and Guadalupe, above Mesquite Landing. Valdez appears to have received several other grants in various parts of the state. He was a colorful character. Although a priest, he had been a captain in Iturbides' Army

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<sup>15</sup> Jose Miguel Aldrete and sons Jose Angel and Trinidad obtained grants to an aggregate of 5¼ leagues at the *Alamo* crossing, in 1834, as Power and Hewetson colonists. The excess was based upon prior applications to purchase of Captain Jose J. Aldrete and invalid prior grants to his successors. Maria Jesusa de Leon de Monchola (daughter of Martin de Leon) received a league of the former Martin de Leon lands, also as a Power and Hewetson colonist.

<sup>16</sup> Philip Power, *Memoirs*, MSS.

of the *Three Guarantees*. The *padre* will be met up with on numerous occasions as this history unfolds. Valdez, like the others, got his title through the Irish Colony. The *Carlos Rancho*, farther up the San Antonio, was not established until about 1830.

The increase of population and prosperity of the ranching industry around La Bahia, and between that place and the coast, influenced Jose Galvez, the vice-roy, in 1785, to establish *El Copano* as a port of entry for this section of Texas, and a lively commerce sprang up through that port. In time, however, because of political upheavals and the turbulent condition of the country, commerce there degenerated into smuggling and piratical activities.<sup>17</sup>

For some years prior to 1834 ranching in this area declined, owing to the depredations of the Indians (barbarians). Many of those who had occupied lands were compelled to abandon them because of the Indians. Among them was Captain Aldrete.

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<sup>17</sup> Brown, *History of Texas*, I, 33.

## CHAPTER V

### THE MISSION OF REFUGIO



THE MISSION of *Nuestra Senora del Refugio*, the last of the Spanish Missions to be established in Texas, was moved into the limits of present day Refugio County in the year 1794. The idea of a mission for the Karankawan coastal tribes was conceived by the self-willed, headstrong Franciscan priest, Father Manuel Julio Silva, in January, 1791, while in Texas for the purpose of inspecting the numerous missionary establishments sponsored by his order. Accompanying him was his religious brother, Father Josef Francisco Mariano Garza, who shares with Silva the credit of making the idea a reality.

The Spanish government had long desired access of its interior settlements to the sea and the opening of a commerce between Texas and Louisiana. With these objects in view, Viceroy Galvez had in 1785 ordered a port opened at El Copano. However, the principal obstacles to realization of these plans were the Karankawan Indians, who inhabited the coast and resented the intrusion of the Spaniards upon their fishing grounds. The government was, therefore, ready to listen to any proposal which might bring the Karankawas under control, and Fathers Silva and Garza had little trouble in getting their project approved, financed, and subsidized. Approval was given by the Conde de Revilla Gigedo, viceroy, on December 31, 1791.<sup>1</sup> Ultimately the project was confirmed by royal cedula, dated June 17, 1794.<sup>2</sup>

The Karankawas were either apathetic or antagonistic towards the mission from the beginning. They were unanimous in their representation that the location of the mission must be one which would not discommode them; otherwise they would not be interested at all. The majority of the tribesmen were open and frank with the missionaries and told them plainly that they did not desire a mission. The leader of the opposition was Chief Fresada Pinto, who said to the Spaniards on more than one occasion that "he and his people did not and never would want mission life, but that they desired to live in peace with the Spaniards."<sup>3</sup> This chief and his followers not only did

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<sup>1</sup> Castaneda, *Catholic Heritage*, V, 76; Oberste.

<sup>2</sup> Oberste,

<sup>3</sup> Oberste, 140.

not enter the mission, but were its everlasting scourges. Whatever of encouragement the *padres* got came from the Copano branch of the Karankawan family, which was more tractable. Most of the converts came from this tribe, whose chief was Llano Grande.

Father Reyes and several of the higher civil officers urged Silva in the beginning to establish his mission farther west, even as far west as the Nueces River,<sup>4</sup> but the old padre was adamant; he proposed to build the mission in the heart of the real Karankawa country, and there it was going to be built. The first site determined upon was an islet formed by the mouths of the Guadalupe River. The place was known as *Muelle Viejo*, or the Old Wharf (Mesquite Landing); Castañeda places this site in the vicinity of the modern town of Tivoli.<sup>5</sup> This was a favorite camp of the Karankawas and was a place of protection when they were too closely pressed by their enemies. It is said that the refuge feature inspired Father Silva to give to his new establishment the name *Nuestra Senora del Refugio*.<sup>6</sup>

It is not clear whether or not the mission was originally actually built on the delta or *El Paraje del Refugio*; but, regardless, it was immediately apparent that the place was totally unsuitable, being low and swampy and a breeding place of mosquitoes. It is possible that an attempt was made to begin the buildings there, but if so, the idea was almost immediately abandoned, as on February 4, 1793, the mission was formally dedicated<sup>7</sup> at a point on a high bluff on present day Goff's bayou, in Calhoun County,<sup>8</sup> a short distance from the Old Wharf. Governor Muñoz, who took a paternal interest in the enterprise, came down from Bexar to participate in the ceremonies and see that construction work was gotten under way. The mission began operation with 138 Karankawans as neophytes.

As a part of the ceremonies, the Governor invested the mission and its inhabitants with the right to use and receive income from a vast area of land, which was appropriated from the public domain. Some of the lands were located north of the Guadalupe, but most of the assigned lands lay south of that river and extended to the Nueces River. The mission padres immediately subdivided these lands into immense ranches, some of which were stocked with cattle belonging to the mission, and others who rented out on shares or tithes to private individuals. Among the ranches located on the mission lands were the *Rancho de Refugio*, with headquarters near

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<sup>4</sup> Oberste, 52; Castaneda, *Catholic Heritage*, V, 91.

<sup>5</sup> Castaneda, *Catholic Heritage*, V, 79; Oberste, 35, 38.

<sup>6</sup> Castaneda, *Catholic Heritage*, V, 75; Oberste, 37-38.

<sup>7</sup> Castaneda, *Catholic Heritage*, V, 80; Oberste, 59-60.

<sup>8</sup> Oberste, 62-63.



Green Lake; the *Rancho de los Mosquitos*, with headquarters at or near Mesquite Landing (*El Muelle Viejo*), below the juncture of the Guadalupe and San Antonio Rivers (the ranch being on the south side of the river); the *Rancho de Santa Gertrudis*, with headquarters at or near the present town of Refugio; *El Rancho de el Diesmero* (ranch of the tithesman), the headquarters of which were near Copano bay (probably at Hynes Spring); and a rancho on the Nueces River.

The mission at *Cayo de Refugio* (on Goff's Bayou) consisted of a few miserable wooden buildings and huts, surrounded by a stockade and protected by a small but permanent garrison of soldiers. All Spanish civil authorities who had any manner of supervision of the mission's affairs, specifically enjoined that the soldiers were not to do any kind of manual labor or engage in any civilian activities—such as, doing any of the construction work or tilling the soil—as “such labors were unworthy of soldiers and caused the Indians to lose respect for them.”<sup>9</sup> While the records reveal that the soldiers did at times assist with the construction work, they usually led a lazy life, frequently gambling with the natives and indulging in amours with the women.<sup>10</sup> Just how the authorities expected the Indian braves, who were and felt themselves to be warriors and soldiers, to do manual labor, in face of the precepts and examples set, is not clear. It might be added that very little labor was ever gotten from the Indians.

While theoretically the new mission got off to a good start, realistically it was a failure from the beginning. The neophytes were not over-willing, and those who remained out of the mission were antagonistic and often hostile and dangerous. The Indians shrewdly perceived that it was the policy of someone, the priests or the government, to feed and clothe them in order to keep them quiescent; and the Indians had no scruples at making the most of their opportunity. When the mission was well stocked with food, sweets, and clothing, they remained. When supplies got low, they left for their old haunts and would not return until assured that the supplies had been replenished. Whenever there was a harvest to be gathered, most of them left to eat *tunas* (prickly-pear berries), which they relished, or to go over to the islands for surf bathing and water sports. They came and went as suited their own moods, and most of them were open in showing their contempt for the *padres* and in their defiance of authority. They took whatever they pleased and delighted in malicious mischief. The soldiers would have gladly chastised them,

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<sup>9</sup> Castaneda, *Catholic Heritage*, V, 92.

<sup>10</sup> Castaneda, *Catholic Heritage*, V, 107.

but were restrained by the priests. To the credit of the *padres*, it can be said that although they despaired, they never gave up hope.

As Rodnick remarks, although the Karankawans numbered over 1500 in the latter part of the eighteenth century, there were hardly ever more than 150 of them in the mission at any time and usually less. The records indicate that the mission started off in 1793 with 138 neophytes. In 1795 only 82 men, women, and children were all the mission could muster. The highest number attained in any one year seems to have been 224 men, women, and children, in 1808; and this increase was due to the transfer of Karankawas from Rosario mission. In 1809 the number had dropped to 103. In 1819 the total number of persons connected with the mission, including Spanish and Mexican families, was only 164. As to conversions, the total number of baptisms during the 22 years from 1807 to 1828 was 146 Indians of all ages and sexes. The records from 1793 to 1807 are not available; but from the figures for the last 22 years, one can form a fair estimate of the results for the first years.<sup>11</sup> The record reveals that many thousands of *pesos*, besides individual donations, were lavished by the government upon this institution.<sup>12</sup>

The Mission of Refugio remained at its location on Goff's bayou until April, 1794. During that month Chief Fresada Pinto and his followers raided and virtually wrecked the establishment. They then went to the *Rancho de Mission Refugio* and ravaged and wrecked it, stealing, killing, and driving away cattle, and wreaking havoc. Father Silva was in Mexico and Fathers Texada and Pirellos were in charge. These harassed and harried *padres* decided that the mission must be moved immediately to a more safe location. Without consulting any authority, but acting on their own responsibility, they moved the mission, its buildings and physical properties, to the *Rancho de los Mosquitoes*, on the south side of the Guadalupe in what is now Refugio County.<sup>13</sup>

The building site selected by them was at the juncture of Mosquito Creek with the Guadalupe. This creek almost parallels the course of the river, the juncture being just above the famed Mesquite Landing. Between the creek and the river was and is an oozy swamp and one of the most mosquito infected spots on our coast. Near the Landing was an ancient military works or fort, erected to protect the Landing, which was used by the *pueblo* and *presidio* of La Bahia.

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<sup>11</sup> Rodnick, *Goliad Missions and their Indians*, 10-11.

<sup>12</sup> Oberste, 169, 266, 267, 272, 283, 390.

<sup>13</sup> See Oberste, *History of Refugio Mission*; Castaneda, *Catholic Heritage*, V, 67-110.

The place was probably safe, but extremely unhealthful, and it was soon realized that the mission could not long be sustained there.

In the Fall of 1794, Father Silva returned from Mexico. On October 18 he and Governor Muñoz began a tour of inspection of suitable sites to which the mission might be removed.<sup>14</sup> The inspection was most thorough and took the party along the coast from the mouth of the Guadalupe to the mouth of the Nueces and probably to Live Oak peninsula.<sup>15</sup> They also inspected localities between the coast and La Bahia. One site given serious consideration was on the San Antonio River, about nine miles from La Bahia, known as the *Paraje de Santa Dorotea*.<sup>16</sup>

Eventually the choice fell between the following sites: (a) *Paraje de los Copanes* (Place of the Copanes), which was also known by the names of the *Cayo de Aranzazu* (Islet, shoal or rock of Aransas), and the *Rancho de el Diesmero* (Ranch of the Tithesman);\* (b) the *Rancho de Santa Gertrudis* (the present town of Refugio); and (c) the *Paraje de Santa Dorotea*. The making of the choice was left to Father Silva.<sup>17</sup>

Both Oberste and Castaneda agree that the mission was moved directly from its previous site to the *Rancho de Santa Gertrudis* (present Refugio).<sup>18</sup> However, Castaneda does not mention the intermediate location of the mission at the *Rancho de los Mosquitos* and has the establishment moved directly from Goff Bayou to present day Refugio. However, it would seem that if the mission was not directly moved in 1795 to a location on or near the coast of Copano (then Aranzazu) Bay, that at some time between 1795 and 1807 the mission was located nearer the coast, rather than its final site at the town of Refugio.

At the present time can still be discerned at Hynes Springs, near the north side of Mission Lake and below the mouth of Melon Creek, the ruins of several large shell-concrete buildings. This site is situated near the toe of the slope of a high bluff, about 20 feet above sea level. Hynes Spring was formerly a perennial fresh water spring. It is now dry, probably because of debris filling it. As it now appears, the spring is a perfectly circular hole about 10 feet in diameter and about nine feet deep to the debris which now encumbers it. Its appearance would indicate an artificial enlargement and improve-

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<sup>14</sup> Oberste, 148-150; Castaneda, *Catholic Heritage* V, 93-94.

<sup>15</sup> Castaneda, *Catholic Heritage*, V, 94.

<sup>16</sup> Oberste, 150-152.

\* This ranch may have been on the Nueces River.

<sup>17</sup> Castaneda, *Catholic Heritage*, V, 93; Oberste, 152-155.

<sup>18</sup> Oberste, 153-155; Castaneda, *Catholic Heritage*, V, 94.

ment of the natural spring.<sup>19</sup> It might be here stated that until the modern era of bored artesian wells, Hynes Spring was the only fresh water supply known in that area other than river and creek water and stored rain water. Hynes Spring and Melon Creek were closest and the only sources of fresh drinking water to the place which we know today as El Copano.<sup>20</sup> Mission River, as will be seen from the maps, runs through Mission Lake into Mission Bay, both of which are salt water bodies. The place El Copano, but a short distance away, was so named because it was the favorite and probably the principal camping place of the Copano tribe. Between Hynes Spring and the old town of Copano is a place long known as the "Big Field." It is undeniable that the "Big Field" was anciently a very large camp site of the Copanes. Excavations have exposed extensive burial grounds and many Indian relics.<sup>21</sup> The area of Hynes Spring—Big Field—Shell Reef at Power's Point (the latter falling within the description of "shoal") was most probably the *Paraje de los Copanos* and the Cayo de Aranzazu ("shoal (or Islet) of Aranzazu," Copano Bay being then known as Aranzazu Bay) referred to in the contemporary reports. Castaneda suggests that the Cayo de Aranzazu "was probably" in the vicinity of modern Aransas Pass, several miles to the north.<sup>22</sup> At any rate he locates it near the bay and not at the modern Refugio. There has never been any association of the name Aranzazu with the vicinity of the town of Refugio, unless it be in this one isolated case. Neither was there ever any islet or shoal at or near the town of Refugio.

Neither Father Oberste nor Dr. Castaneda mentions Refugio Mission as ever having been located near Copano (Aranzazu) Bay. They are in accord that the mission was moved to site of present Refugio on January 8, 1795, and continuously remained there until its ultimate extinction in 1830.<sup>23</sup>

One of the principal reasons assigned for moving the mission west of the Guadalupe was that Copano had been for some time a place of landing, principally for smuggling-vessels, and that the location of the mission in that vicinity would serve to watch these illicit movements.<sup>24</sup> Just how a mission located 12 or 14 miles in the interior could have served this purpose is not logically apparent.

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<sup>19</sup> Statement of J. Stuart Boyles, surveyor, who surveyed the site on June 28, 1942.

<sup>20</sup> Philip Power, *Memoirs*.

<sup>21</sup> Philip Power, *Memoirs*.

<sup>22</sup> Castaneda, *Catholic Heritage* V, 94.

<sup>23</sup> Oberste, 157; Castaneda, *Catholic Heritage*, V, 94; See also, Dunn, *The Founding of Nra Sra. del Refugio*, 25 Q 183-184, Yoakum, I, 109.

<sup>24</sup> Yoakum, I, 109.



George C. Martin, archaeologist and historian, who lived for many years at Rockport and devoted years of research to the subject, states,

"... in the year 1785, the Port of Copano had been opened to trade by order of Don Jose Galvez, Viceroy of Mexico. The name of the port was derived from the Indians resident in the vicinity, the Copanes. Here a small commerce developed, but the port soon degenerated into a retreat for smugglers and outlaws of the coast. Buildings were erected close to the shore of the west arm of Aransas Bay, north of the mouth of what was later known as Mission Bay. At the present time (1936) the west arm of Aransas Bay is called Copano Bay, deriving its name from that of the port. The buildings were of lime-and-shell-concrete, the ruins of some still standing. For some unknown reason, the site of the Mission [of Refugio] in Calhoun County proved unsatisfactory, so about two years after its founding, in 1795, the mission was removed to a site near the Port of Copano, in the country occupied by the Copanes. It is probable that the protection afforded by the garrison at the port had something to do with the removal. Dr. Herbert E. Bolton, supreme authority on the Texas missions, states that the site of the mission was 'near the mouth of the Mission River flowing into Aransas Bay.' The actual site to which the mission was removed was on the north side of the stream close to the junction of what are now known as Mission Lake and Mission Bay, the latter actually the very broad mouth of the river. A Copane village had previously occupied the site. In recent times the ground on which the mission stood has yielded sherds of pottery of Indian manufacture, sherds of such as were made at the missions under Spanish instruction, and crosses chiseled out of sheets of lead.

"When this location was abandoned for that of the building later used is not known. It was before 1807, in which year Father Jose Manuel Gaitan took charge. . . ." <sup>25</sup>

The church building of the mission at its final site (present town of Refugio) was indisputably of stone. The accounts of all early settlers agree that this stone building had a cornerstone, which was opened, when, in or about 1859, the ruins of the mission were cleared away to make room for the new stone church. The cornerstone was found to contain coins and other mementoes. Contemporary citizens, who did not disturb themselves over question of ownership, proceeded to appropriate these relics to themselves; and some of the coins are known to be in possession of descendants of these parti-

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<sup>25</sup> Martin, *The Mission Nuestra Sra del Refugio*, printed proof of unpublished history, 1936. See, Bolton, *Beginnings of Mission Nra. Sra. del Refugio*, 19 Q. 400-404; Almonte, *Statistical Report*, 1834, 28 Q. 194.

tioners at this good day.<sup>26</sup> In 1893, the then editor of the *Victoria Weekly Times* came to Refugio with the object of gathering materials for a special issue of his paper devoted to Refugio. He states in his account of his visit that he interviewed Father Flynn, who was the pastor of the stone church which had replaced the mission, and was told of the existence of the coins taken from the cornerstone.. He then sought out the possessors; and one of them, Dan Fox, a most prominent citizen, exhibited to the newsman some of the coins. The editor states, "One of these was a silver coin about the size of our dollar and bore the crown of Spain and is dated 1800. It is now in the possession of Mr. Dan Fox."<sup>27</sup>

It would, therefore, appear that the cornerstone of the mission church at Refugio was not laid until 1800, or subsequently thereto. Of course, this fact standing alone would not disprove the existence of an earlier church building at the same site. However, Castaneda indicates that the original permanent buildings of the mission after it was moved south of the Guadalupe, commenced in 1795, were of "adobe," some of which had collapsed prior to February, 1796.<sup>28</sup> The padres reported in March, 1796, that an additional adobe building had been finished. About the same time, "there was also a pottery maker, brought to teach the Indians his trade, but his work seemed unsatisfactory to Father Silva."<sup>29</sup> (Martin mentions sherds of pottery found at the Mission Baysite; none has been found at the town of Refugio site.) There is no evidence of any adobe buildings ever having been at the mission site at Refugio.

In the Fall of 1796 Father Silva retired from charge of the mission to the College of Zacatecas. This he did without permission of any superior. However, as he had already left for Mexico, there was nothing to be done but accept the change. Father Jose Antonio Mariano Garavito, who was in bad health, came to the mission and administered it, in conjunction with Father Saenz, until 1800. Several missionaries served between 1800 and 1804, when Father Manuel Gaitan appears to have taken charge.<sup>29</sup>

Inasmuch as the annual rainfall could not be depended upon to insure food crops, irrigation facilities were ever a desideratum with the missionaries. Because of crop failures at Espiritu Santo and Rosario missions in 1797-1798, the Indians from those places were sent to Refugio. The commandant at La Bahia suggested to Governor

<sup>26</sup> Philip Power, *Memoirs*; W. L. Rea, *Memoirs*. Oberste, *Our Lady* 90. 90. 1867. building was torn down in 1867.

<sup>27</sup> *Victoria Weekly Times*, Vol. 1, No. 10, March 24, 1893.

<sup>28</sup> Castaneda, *Catholic Heritage*, V, 97.

<sup>29</sup> Castaneda, *Catholic Heritage*, V. 98.

Muñoz the necessity of construction of irrigation canals at the missions to insure the successful cultivation of their farms.<sup>30</sup> Whether this recommendation applied to Refugio mission is not clear.

Now, if the Mission had been located near Copano Bay, as appears to have been probably the case, there were no facilities for irrigation there. In fact, there was a dearth of fresh water for any extensive domestic purposes. At the present town of Refugio there was a much greater and more dependable supply of fresh water, and sufficient for limited irrigation, if it could be raised to the tops of the high banks. In those days the channel of Mission River seems to have been several hundred feet further south, leaving a flat of bottom land between the channel and the high bank. The flat was, of course, subject to seasonal overflows. Linn states that this flat was used by the mission as "its cultivated field."<sup>31</sup>

That the padres had an irrigation system at Refugio is indicated by the following recorded affidavit of possession of the "Corn Bend" on Mission River, a short distance below the town of Refugio. The three affiants aver that "it was generally held by the old colonists, many of whom we knew personally, that the mission padres had an irrigation project on this tract of land and had in vogue a rather unique plan of operation. The land being considerably higher than the mesne level of the river, the friars had a large ditch cut from the river to the lower end of the large depression first mentioned (Tule Lake) and built dykes around the lower sides of the depression, with some device to hold water in the depression when floods backed the water up the ditch or there was a general overflow. There were several lateral ditches extending from the lake thus formed, which were used for irrigating. When we were boys, the remains of a large ditch, dykes and lateral ditches could be readily seen and it is possible that by minute examination they might be traced out at even this late date. (1941)."<sup>32</sup>

Additional support to the theory that the final stone church of the mission at Refugio was not begun until 1800, or subsequently thereto, is found in Oberste's quotation of Francisco Viana's report, in 1805, that "the priest [Father Gaitan] of Refugio Mission is *building* a church and a parsonage, for which he has a French carpenter, a blacksmith, a mason, and other workmen, without any assistance other than his stipend and the sale of some cattle."<sup>33</sup> This is the first

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<sup>30</sup> Castaneda, *Catholic Heritage*, V, 104.

<sup>31</sup> Linn, *Reminiscences*, 334.

<sup>32</sup> Affidavit of Thomas Patrick Shelly, William Baumgartner and Bert H. Homberg, dated June 27, 1941, Vol. 48, p. 513, Refugio Deed Records.

<sup>33</sup> Oberste, 265.



reference in any record to any stone mason having been connected with the mission.

Father Oberste did not have before him Martin's thesis at the time he wrote his admirable *History of Refugio Mission*. When the thesis was called to his attention, the beloved *padre* told the writer that none of the multitudinous documents examined by him indicated that the mission was ever located near El Copano. However, there appears to be a scarcity of records covering the first years of Father Gaitan's ministry at the mission; and as Harbert Davenport aptly points out in his review of Oberste's *History*: Father Gaitan, who guided the mission from 1804 to 1817, "built the 'Church of the Old Mission' admired by Texas travellers in its latter days; but it is characteristic of our documentation in such matters that Father Oberste found no direct proof of that fact. The reason for this is plain. While the mission prospered, and building was under way, there was small occasion for letters to the Governor, or to the commandant of the *presidio* at La Bahia. The missionaries sought aid from the secular authorities only in times of stress. There are in consequence whole *legajos* of documents relating to the mission's early struggles, and the later troubles which led to its disuse, but for its prosperous period, which coincides nearly with Gaitan's ministry, there was no occasion for appeals for help, and but little reports of progress; and the documents are scarce."<sup>34</sup>

No vestige (other than the traces of the foundations partially excavated by Father Oberste in 1936) of the buildings of the Mission of Refugio now remain.<sup>35</sup> Research so far has failed to produce the building plans or any contemporaneous description of the establishment. No indisputably genuine picture of the mission has been as yet found. Two supposed pictures which in a general way show a common resemblance are extant. One of these is a wood cut entitled "Mission of Refuge near Goliad," appearing in *Texas and Her Presidents*,<sup>36</sup> and the other in the recently published volume (V) of *Our Catholic Heritage*.<sup>37</sup> The wood cut was directed to the author's attention by the late Frederick Charles Chabot, who stated that in his opinion the cut was a true picture of Refugio Mission. Chabot stated that the wood cut agreed with a small sketch of Refugio Mission which he had seen as an embellishment of an early Spanish map. He described the embellishment as showing the walls around the mission with the turrets of the mission towering above them.

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<sup>34</sup> Davenport, *Review of Oberste's History*, 46 Q 379-380.

<sup>35</sup> Oberste, 185.

<sup>36</sup> *Texas and Her Presidents*, 28.

<sup>37</sup> Castaneda, *Catholic Heritage*, V, 96-97.



One of the best known descriptions of the mission is the one found in the *Lamar Papers*:

"The traveller landing in Aransas Bay and taking his way up to Copano's landing, will find, not many miles from the road leading to Bexar a stupendous edifice, standing in solitary dignity, in the midst of a lonely wilderness. This is La Mission Refugio, the church of refuge, and was erected about half a century ago, at vast expense by the Spanish Govt. for the benefit of a tribe whose power hath departed like the magnifisince [sic] of their falling temple—It is impossible to look upon this superstructure without experiencing the feelings of sadness and regret. It is a venerable pile, not distinguished for architectural symmetry, but built of costly materials and the workmanship executed with much mechanical skill. Especially does the inside of the building exhibit a high degree of elegance and taste the walls being studded with costly images and the sacred desk adorned and beautified with enlays of gold & silver and other fine materials purple colored all protected by glass coverings of chrystal clearness. In its better days in its original condition it could boast magnifisince and splendor which would not have dishonored the proudest of cities. But all its finer beauties are now in ruins; its glory hath departed like the power that reared it and the stones of the building itself will soon be scattered like the race who once gathered around its altar . . ." <sup>38</sup>

The foregoing description is substantiated by meager and fragmentary references scattered through sundry statements and reminiscences. From them may be gleaned that the final church building was a large edifice, with high, strong stone walls, surmounted by a wooden roof. At least one bell tower or cupola is definitely referred to, although it is probable that the building had twin towers. Three sides of the building stood in the clear. The fourth side was formed by a stone-walled enclosure, 150 feet in length, and about one-third that dimension in width, in the outer end of which was an open arch about 16 feet wide. From the end of the walled enclosure, the ground descended towards the river, which was about 200 feet distant. The walled enclosure was used as a burying ground.<sup>39</sup> If the mission grounds were ever surrounded by stone walls, no one who was at the place in 1835 and 1836 has mentioned seeing them at that time. Nor is any mention made by anyone of any building other than the church and graveyard being constructed of stone.

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<sup>38</sup> *Lamar Papers*, IV, pt 1, 252-253.

<sup>39</sup> Yoakum, II, 88; Shackelford, Foote, II, 249. See account of Wards and Kings battle at Refugio, pages 269, 306-312, post. See also details in accounts of survivors in Davenport, *King and Ward at Refugio MS.*

Judge Rea states that when he first saw the mission site, which was in 1868, the stone mission church had been razed and the rock piled up for use in building a new stone church on the same grounds. He states that the mission was razed about 1859, and the foundations of the new church had been finished at the time the Civil War began. The work progressed no further until after Reconstruction. He states that the only building standing in 1868 which had belonged to the mission was an old weather beaten and almost roofless building, which was being used as a Catholic Church.<sup>40</sup>

There was and is a great scarcity of building stone or rock in Refugio County. One of the few known deposits is on the north side of Mission River, some three or four miles above the town of Refugio, in the Fannie V. W. Heard pasture. Old settlers state that stone used in construction of Refugio Mission was obtained from this quarry and lightered down the river to the building site.<sup>41</sup>

All accounts agree that Refugio Mission had a chime of bells, but there is a variance in the number given. One account says the chimes were dated 1751. Linn says there were two bells, one of which bore date 1737 and the other the date 1722 and that in 1882 the first was at Refugio and the second in use at Victoria.<sup>42</sup> On the other hand, Mrs. Teal states there were four bells. One of the bells she says came into the possession of the Nicholas Fagan family. The bell, according to her statement, was so injured in a storm that it had to be taken down and was hung in the upper gallery of the chapel on the Fagan ranch "and sounded the hours for service in the little chapel."<sup>43</sup> This bell was given by Fagan to Dennis M. O'Connor and placed by him in the chapel on the O'Connor San Antonio River ranch.<sup>44</sup> The author has inspected this bell and it bears date of 1757 and dedication to the Immaculate Conception.<sup>45</sup>

In Mrs. Teal's account she states, after mentioning the bell which Fagan had, "The other three bells were left on the road near the river, where they lay undisturbed. One day a horseman tied his horse to one which bore the date 1722; the animal became frightened, ran away, dragging the bell several miles, where it was left with the rim broken off. When negroes entered the neighborhood and built Mt. Zion Church, they took possession of this bell."<sup>46</sup>

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<sup>40</sup> W. L. Rea, *Memoirs*, J. M. Doughty, (*Refugio County*) *Texas Almanac* 1859.

<sup>41</sup> W. L. Rea, *Memoirs*, Philip Power, *Memoirs*.

<sup>42</sup> Linn, *Reminiscences*, 198, 334.

<sup>43</sup> Teal, *Reminiscences*, 34 Q 319.

<sup>44</sup> Warburton, *History of the O'Connor Ranch*, 94-95; also Mrs. Thomas O'Connor's note to Teal *Reminiscences*.

<sup>45</sup> *Refugio Timely Remarks*, December 15, 1939, p. 1.

<sup>46</sup> Teal, *op. cit.* The oldest parishioners of Mt. Zion Church, in 1934, knew nothing of the bell.

The mission had a number of windows, which had panes of plate glass sent from Spain.<sup>47</sup> One of these windows was located on the north side of the church, and through it, many years later, young Hill saw the execution of King's men.<sup>48</sup>

The church had several doors. In accounts of Ward's battle an assault on "the three doors" of the church is mentioned, a Mexican column attacking each door. The accounts do not indicate that three doors were in the front of the building, but distributed one to a side, including the graveyard.<sup>48/1</sup>

The Mission Church appears to have been elaborately and beautifully furnished and appointed, as described in the excerpt quoted from *Lamar Papers*. Mrs. Margaret Manuel Simpson, who saw only the ruins of the mission, stated that she had been told by colonists who had seen it before it was irretrievably injured, that "it was the most nicely furnished and the most beautiful of the Texas missions, and that it had been furnished with gold mounting in the rock of the room of the priests."<sup>49</sup>

Father Gaitan proved himself to be an able administrator. During his tenure he had fields in cultivation and was successful in increasing the herds of mission cattle. In 1808 and 1809 the mission possessed fully 5,000 head of livestock of various kinds.<sup>50</sup> In 1807 a pueblo composed of soldiers and their families and local rancheros had grown up around the mission.<sup>51</sup> This appears to have been the most prosperous era of the mission.

From 1810 on the political troubles of Mexico began to affect the mission. The internecine warfare inspired warfare among the Indians. The Comanches had raided the coast periodically since 1798, but their activities were directed mainly against the coastal Indians. In 1814, however, they attacked the Spaniards and Mexicans, as well as the Karankawans, and massacred at least 14 Spaniards on the Refugio Mission ranches.<sup>52</sup>

After 1817, when Gaitan retired from the mission, the activities of Refugio Mission went into eclipse. By 1824 most of the religious services took place in the parochial church instead of the mission.<sup>53</sup> Although all Texas missions had been ordered secularized by decree

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<sup>47</sup> Teal, *Reminiscences*, 34 Q 319.

<sup>48</sup> Hill, *Texas Almanac*, 1860.

<sup>48/1</sup> The picture of one mission shown in Castañeda, *op. cit.* V. 96-97, indicates three front doors.

<sup>49</sup> Margaret M. Simpson, in *Galveston News*, 1913, reprinted *Refugio Timely Remarks* (Centennial Edition) December 14, 1934, p. 68.

<sup>50</sup> Linn, *Reminiscences*, 334.

<sup>51</sup> Oberste, 273.

<sup>52</sup> Oberste, 275, 277, 393.

<sup>53</sup> Rodnick, *Goliad Missions and their Indians*, 10

of the Cortes, dated September 13, 1813, the *padres* of Refugio Mission, who had eloquence and persuasion, got the execution postponed as to their mission.<sup>54</sup> However, despite the protests and entreaties of the priests, the Government of Mexico, on January 7, 1830, decreed the secularization of the missions at Goliad and Refugio; and the decree was enforced.<sup>55</sup> At that time only 12 Karankawas and eight Cocos were attached to the local mission,<sup>56</sup> but the *padres* went down battling to the last. The final religious services were held at La Bahia, on Sunday, February 7, 1830. The next day the properties of the missions were inventoried and transferred by Jose Miguel Aldrete, the *alcalde* of Goliad.<sup>57</sup>

Thus ended the Mission of Nuestra Señora del Refugio after a hectic existence of thirty-seven years.



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<sup>54</sup> Oberste, 279.

<sup>55</sup> Oberste, 322-323.

<sup>56</sup> Oberste, 324-325; Rodnick, *Goliad Missions and their Indians*, 10.

<sup>57</sup> Oberste, 324-325.



## CHAPTER VI

### FILIBUSTERS



HE Padre Miguel Hidalgo y Costillo sounded his immortal *grito* at Dolores, on September 16, 1810, and there began the revolution for the independence of Mexico from Spain.<sup>1</sup> The ensuing war, which lasted until the fall of 1821, ushered in a glamorous era for Texas, in which our section had an eventful share.

The Spanish and Mexican population of Texas was divided into two parties, the Royalists and the Republicans; and, during the long war, political power alternated between the two, each change being accompanied with bloody reprisals.<sup>2</sup> The political activity in Texas was centered in and around Bexar, the capital of the province, and in the United States. The revolutionary movement did not reach Texas until January, 1811.

Many of the old families of Bexar, like those of the Goliad-Victoria-Refugio area, were closely related to principal families of Tamaulipas, Coahuila, and other Northern Mexican states; and, therefore, there was a large kinship between families of our section and those of Bexar. The political predilections of Texas families were no doubt largely influenced by the alignments of their kinsmen in Mexico.<sup>3</sup>

The earliest and most illustrious of the North Mexican revolutionists was a Tamaulipano, the indomitable Bernardo Gutierrez de Lara. His almost equally renowned brother, the padre Jose Antonio Gutierrez, was commissioned by the revolutionary *junta* to incite to revolution the five cities of the Rio Grande, Laredo, Guerrero, Mier, Reynosa and Camargo and it is related that so great was his energy that "before long revolution and terror reigned in the settlements on the Rio Grande," from which most of the *ranchero* families of our part of Texas had come.

At that time (1811) there was a company of Tamaulipas troops garrisoned at Bexar. On January 22 these soldiers, under the leadership of retired Captain Juan Bautista de las Casas, a citizen of Tamaulipas, revolted, with the aid of citizens of Bexar, and took

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<sup>1</sup> Bancroft, *North Mexican States and Texas*, II, 17, et seq.

Priestly, *The Mexican Nation*, 206

<sup>2</sup> Lanier, *San Antonio de Bexar*, in Corner, *San Antonio de Bexar*:

Lamar, *History of Mexican Revolution*, Lamar Papers, Vol. 6, p. 488

Garrett, *Green Flag over Texas*

<sup>3</sup> Huson, *Iron Men*, 42-45

prisoner the royalist governor and all Spanish officers in the capital and sent them to the revolutionary general Ximenes in Mexico. A few months later the royal authority was restored at Bexar.<sup>4</sup> Among the prominent Republicans at Bexar were Jose, Santiago, and Antonio Manchaca, Francisco Ruiz, Juan Martin Veramendi, the Navarros, Delgados, Montez, Traviesos, Francisco Reojas, and Luis Galan, most of whom had relatives among the *ranchero* families of our part. Later in the Revolution, Martin de Leon, who was compelled to leave his ranch on the Aransas, because of Lipan and Comanche depredations, and go to Bexar, became an ardent Republican.

On the other hand, the Royalists had as adherents in our section Captain Ygnacio Perez, the padre Valdez, Francisco Vasquez, and Miguel Musquiz.

Bernardo Gutierrez de Lara, who on more than one occasion looms in the background of the history of our county, was commissioned a lieutenant-colonel by the patriot Hidalgo and shortly afterwards was sent by the *junta* as emissary to the United States. Without interference by the American government, he and Lieutenant Augustus Magee, who resigned from the United States army, organized an expedition to oust Royalist power from Texas. The expedition was composed largely of adventurous Americans, among whom were Colonel Henry Perry, of whom we will hear more later. The Manchacas and other citizens of Bexar were with the Republican army. The expedition crossed the Sabine in the late summer of 1812 and captured Nacogdoches, where it set up a Republican government and printed the first newspaper ever printed in Texas. Then began the march for Bexar. At the Colorado the expedition suddenly turned in the direction of La Bahia. On November 26, 1812, it took the place by surprise. Judge Bethel Coopwood explains that Gutierrez moved against Goliad instead of Bexar directly, "because he knew the place was fortified and would afford an advantageous base for his succeeding operations, within ten leagues of the port of Copano, through which he could receive assistance from New Orleans by water."<sup>5</sup>

The royal army, under Governor Salcedo and Colonel Ygnacio

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<sup>4</sup> Garza, *Dos Hermanos Heroes*

Garrett, *Green Flag over Texas*, 35

Chabot, *Texas Letters*, Texas in 1811, pp. 24, 29

Manchaca, *Memoirs*, p. 1

Bancroft, *North Mexican States and Texas*

*Lamar Papers*, Vol. 6, p. 469 (Biography of Gutierrez)

*Lamar Papers*, Vol. 3, pp. 597, et seq.; p. 278; Vol. 5, pp. 383-384, 391, et seq.; Vol. 6, pp. 442-443

<sup>5</sup> Coopwood, *Notes on History of La Bahia*, 2 Q. 162-169

From correspondence in the Austin Papers it would appear that services under General Gutierrez in 1812 and 1813 were recognized by the Mexican government in 1825-1826, and that these old soldiers received land grants in Texas. Captain Aylett C. Buckner, George Orr, W.D.C. Hall, et al., *Austin Papers*, I, 1401

Perez, came down and laid siege to La Bahia, which lasted until the following February, when the Royalists retreated on Bexar. After a signal victory the Republican army captured Bexar in March, 1813, and held bloody sway in the capital until August 18, when they were disastrously defeated. The remnants of the Republican army fled towards Nacogdoches. Colonel Perry was one of the few who escaped. General Arredondo exacted bloody reprisals for the revolution and sent troops to La Bahia to punish the citizens and to round up the *rancheros* of the section who were known or suspected to have supported the Republican cause. Just whom of our old *rancheros* were slain or otherwise punished is not now known. Martin de Leon, if he was a Republican at that early period, certainly was not one of them.

The events hereinbefore related do not appear to be direct history of this county, as none of them took place within its limits, unless supplies did come in through El Copano. However, the aftermath of Arredondo's vengeance appears to have been the destruction of most of the ranchos between Bexar and the Sabine.

Father Oberste states with reference to this period, "The tramp of soldiers across the plains was heard above the din of any other necessity, and for that reason during the next ten years (1810-1820) there would be but few official reports from the Refugio Mission. The Indians of Refugio were fearful of the foreign aggressors, and of the frequent movements of troops. They, therefore, remained more at the Mission, and Father Gaitan, in consequence, was able to extend his spiritual labors. The parochial records bear out the result of his activities of the next few years by revealing the greatest increase of baptisms at the mission."<sup>6</sup>

In the name of Republicanism, numerous military expeditions against Mexico and Texas were organized or originated in the United States, principally in Louisiana. Gutierrez survived the disasters in Texas and got back to New Orleans and was active in his intrigues. While awaiting the next step, he and other refugees fought under Andrew Jackson at the Battle of New Orleans, in which Colonel James Power, Richard Roman, and others who became prominent in Refugio history also participated.

In September, 1816, the Republicans set up a government on Galveston Island. Luis de Aury was made commodore of the Republican fleet, his crew being largely composed of Lafitte's pirates. General Xavier Mina arrived in November with a considerable body of men, among whom was Colonel Henry Perry, who has been men-

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<sup>6</sup> Oberste, *History of Refugio Mission*. 269

tioned before.<sup>7</sup> An expedition against Mexico was decided upon. On April 6, 1817, the expedition sailed for Soto la Marina, in Tamaulipas. Here Aury disembarked Mina and Perry's men and sailed back to Texas, leaving them to their fate. Soto la Marina was captured by the Republicans, after which Perry and Mina disagreed as to the course they should next pursue. Mina was for going deeper into Mexico. Perry was against it and remained at Soto la Marina while Mina marched to the interior, where he was defeated, captured and promptly shot.

Without waiting to learn the fate of Mina, Colonel Perry, with Major Gordon and about 50 men, determined to go back to Texas by land and left Soto la Marina. The authorities differ as to the route taken by Perry in this dangerous enterprise, but the preponderance is that he was successful in getting as far as La Bahia. Many authorities state that Perry marched overland the entire distance from Soto la Marina to La Bahia, while others have it that he and his party managed to get hold of a small boat and sailed up the gulf coast into Copano Bay and debarked at the mouth of a small creek<sup>8</sup> (probably Copano Creek, or possibly Melon).

Judge Bethel Coopwood states:

"In May, 1817, Colonel Perry and Major Gordon, who had gone with General Mina from Galveston Island, then called Isle of Galves, to Soto la Marina, and there leaving him, had coasted back to Copano Bay in their brig, which they left there in a small creek, marched thence with their company of fifty men upon, and laid siege to, la Bahia del Espiritu Santo; the garrison having shut themselves up in the presidio. But while in the most critical part of the assault, they were surprised in their rear by 200 soldiers from Bexar; and in the obstinate battle that ensued, they and all their men were massacred, not one surviving to tell the sad story."<sup>9</sup>

While there can be little doubt that General Mina "was shot at the headquarters of Liñan before Remedios" on November 11, 1817, yet there is one account<sup>10</sup> which gives his fate otherwise:

"General Xavier Mina was the son of Mina, who figured so largely in the history of the Wars of Spain.

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<sup>7</sup> Bancroft, *Northern Mexican States and Texas*, II, 34-39

Brown, *History of Texas*, I, 120-121

<sup>8</sup> Kenedy, *History of Texas*, 284-289

Bancroft, *The Northern Mexican States and Texas*, Vol. 2, 37-39

Thrall, 129-130

Yoakum, *History of Texas*, Vol. 1, 184-186

(All say Perry marched by land)

Brown, *History of Texas*, Vol. 1, 66-67

<sup>9</sup> Bethel Coopwood *Notes on La Bahia del Espiritu Santo*, 2 Q. 168

*Lamar Papers*, III, 279

<sup>10</sup> *Lamar Papers*, Vol. 6, 179, 180, 444-447, 453-460



"He sailed for the mouth of the Sabine from Madrid, with a view of getting American soldiers to join him in the war of the Patriots against the Royalists in Texas.

"He landed, however, from some mistake or from some cause unknown to me, at the Brazos Santiago. With 15 Americans, which he had brought with him (I believe) this was in 1816. His expectation was to be supported by the Rancheros, who it was said were all patriots and ready to sustain him.

"He gathered a small force and moved towards the Nueces. On his way he had a severe engagement with the Royalists, in which he was successful. He pushed on intending to go to La Bahia, fighting almost every step, and daily expecting, but not receiving, reinforcements.

"Somewhere not distant from Refugio, between there and Copano, wearied out and exhausted with hunger, fatigue and hard fighting, he and his men lay down to rest or take what they call a *siesta*. A part of Arredondo's army from Bexar, on their march to La Bahia, heard of them, and came in hot pursuit of them. They came upon them just at this moment when they were all asleep. The sentinels had either been taken prisoners by surprise or had proven treacherous. The Royalists at one destructive fire killed nearly the whole of Mina's force, whilst asleep. The living sprang up and discovered themselves in the hands of their enemies.

"The Americans, I believe were turned loose. (I have heard that they were shot because they hailed from no country—had no citizenship in this country as citizens nor passports to sojourn in it as strangers). The Mexicans were shot, and General Mina was tied to a wild horse and kicked to death."<sup>10/1</sup>

Irrespective of the contrariety of accounts, Perry and his hardy company, whether they came through by land or by sea, undoubtedly traversed some part of Refugio County. At Goliad Perry made the fatal mistake of attempting to capture the town with his small force. To add to his difficulties, a Royalist force, which had been following him, approached to his rear. Perry then attempted to escape but was cornered at El Encinal del Perdido, on approximately the same ground where Colonel Fannin later fought his last battle. There seeing his followers falling dead around him, he put the pistol to his head and blew his brains out.

A few days after Mina's expedition had left Galveston Island, Jean Lafitte and his pirates took charge of it. On April 15, 1817, they set up a government of their own, nominally subject to the Republic of Mexico. The real object was, of course, to clothe their piratical

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<sup>10/1</sup> Lamar Papers VI, 179.

acts with a scintilla of legality. Lafitte, as is well known, established himself at Barrataria, near New Orleans, about 1810. From that time until early in 1821, when his Galveston establishment was broken up by the United States Government, he was engaged in smuggling, slave running, and piracy on a large scale, operating a fleet of fine warships and maintaining a military and naval personnel of well over 1,000 men. Lafitte was no doubt a man of great talents and abilities and combined in his person a glamorous chivalry with bloody ruthlessness. Many men of prominence and claim to a greater respectability did business with him — James and Rezin Bowie, J. W. Fannin, William B. Travis, General James Long, among others. Nor were they without a highly notable example; General Andrew Jackson did not hesitate to ask the pirate's aid in the defense of New Orleans.

In the administration of his far-flung piratical empire, Jean Lafitte made use of the islands off the coast of Texas and the inlets, bays, and coves between the islands and the mainland. One of his bases was Culebra Island, composed of Matagorda and St. Joseph's. These two islands are separated only by a bayou, known as Cedar Bayou. By skillful navigation a good sized bark could be made to go through this bayou from the gulf into an inlet from which either St. Charles or San Antonio Bays could be immediately approached. Emptying into these bays, as well as adjoining Aransas and Copano Bays, were rivers and creeks, the mouths of which made safe and concealed landing places for smuggled goods. Smuggler's Creek, in present-day Calhoun County, was a favorite resort for these shady business men, as were Barkantine and Copano Creek in present-day Refugio County.

For the purpose of protecting commerce against depredations of the freebooters and of safeguarding the port of Copano, the Spanish, and after them the Mexicans, maintained the small fort of Aranzazu on Live Oak Point. Not to be outdone, Lafitte maintained a fort of his own on St. Joseph's Island, at the southwest part thereof.<sup>11</sup> The village of Aransas was later laid out near the site of the pirate fort. Evidence of Lafitte's fort was seen as late as 1836, by John Crittenden Duval, who stated

"This harbor had been in times past, a rendezvous for the vessels of the famous pirate, Lafitte. On the island the embankments around his old camping grounds or fortifications were still

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<sup>11</sup> Duval, *Early Times in Texas*, 23.  
Bancroft, *North Mexican States and Texas*, II, 39-43.  
Warren, *Documents Relating to Pierre Lafitte*, 44 Q. 76.  
Lamar Papers, I, 30, 34, 284; VI, 448-453

visible, and along the beach were many posts yet standing with iron rings affixed to them, which undoubtedly had been used for securing the small boats that plied between the vessels and the shore. 'The pass' [probably Cedar Bayou is referred to] was known then only to Lafitte and his followers, and here in security they could repair their vessels, supply them with wood and water, and divide among themselves the spoils of their piratical expeditions."

Lafitte, after being ousted from Galveston Island in 1821, is said to have gone to Yucatan, where he died about 1826. After the break-up of the pirate stronghold at Galveston, many of his followers settled in Texas and Louisiana. Some became honest and successful sea captains engaged in legitimate commerce. Some of his former followers settled in Refugio County, some on the islands, and some on the mainland and became substantial and highly respected citizens of our county. The descendants of some of these old freebooters still reside in this county and make no concealment of the glamorous past of their hardy progenitors.

Will Bickford, a grandson of Peletiah Bickford, relates the following story concerning Jean Lafitte, which has been handed down in his family. He states that his grandfather, Peletiah, settled in this county on the Guadalupe River in 1826. He then proceeds to say—

"Peletiah Bickford was acquainted, and, in fact, was a very good friend of a lady who lived and died at False Live Oak Point, whose name was Madam Frank, but was usually known as "Grandma" Frank. She lived in a house overlooking Espiritu Santo Bay, not far from Carlos City. She was living there at the time Jean Lafitte's pirates broke up, and claimed to have been a witness of their final business meeting in Texas. She claimed that her husband had been one of Lafitte's men, and was killed while in his service, and that the redoubtable chief, who she described as a generous gentleman, had had her and her children settle at False Live Oak Point, then in a No Man's Land, and had provided her with a home and perpetual support. When Peletiah knew this remarkable woman, which was within a few years of the events of which she claimed to be a witness, she did not work for a living, but always had plenty of everything. It was popularly supposed that she had access to a cache of money which had been left by Lafitte for her support.

"According to Madam Frank's story, which the relator states was corroborated in parts by old seamen reputed to have been Lafitte's men, the final act in the dramatic career of the great buccaneer took place in original Refugio County, in that part which is now Aransas County, at and in the vicinity of False Live



Oak Point. The account as given by Madam Frank, and handed down through several generations of the Bickford families, is as follows:

"After Lafitte was ousted from Galveston Island by the United States Navy in 1821, he decided that the day of the pirate was over, and that he would disband his organization. All of the booty and loot accumulated over a long period of years was loaded into several vessels, which sailed down the coast. Whether or not any further piratical operations were indulged in, it appears that prior to the time he arrived in Refugio County waters, Lafitte had aroused the opposition not only of the American navy, but the British as well. The combined naval units chased Lafitte down the coast, and were pressing him hard, when he arrived off Paso Caballo.

"At the time the pirate reached this historic point he was beset by no less than five British frigates, besides such United States vessels as were in the pursuit, and the position of Lafitte was desperate. To add to his troubles a dreadful storm was raging at the pass, which made it almost suicidal to attempt to go over the bar. Lafitte, however, was hard pressed, and ordered his ships to run the bar, which sent shivers down the spines of his hardened seamen. Some of these pirates afterwards said when they saw a bad storm brewing that it reminded them of the night Lafitte made them cross the Matagorda bar, and that all of them had been scared to death that night.

"The pirates by great good fortune crossed the bar safely, but the British frigates, which attempted to follow, had hard luck. Two of them were lost, and others went aground. Lafitte's ships scattered through the inlets and hid in mouths of the rivers. The vessel on which Lafitte was, sought refuge in Garcitas Creek, at a place formerly known as Center Board Reef (but now known as Chicken Reef). The name Center Board Reef originated due to the fact that a dowel pin on Lafitte's vessel became loose, and the center board slipped and stuck in the mud.

"When it was deemed safe to do so, the pirate ships emerged from their hiding places, and assembled in Espiritu Santo Bay, off False Live Oak Point. There for three days and three nights the pirates labored to unload their accumulated booty. There was held an executive meeting of the freebooters. Lafitte told them that they were through, that the days of profitable piracy were over; that he intended to go to Campechi and live a retired life, and that his men were released from any further obligation to him. He advised his men to settle in Texas, as that land belonged to no one, but that those who cared to accompany him in his retreat were welcome to do so. He further stated that the



accumulated profits of their long association would be now equitably divided among them. Most of the men were married men, and practically all agreed that it was time to disband and settle down to peaceful lives. Most of the men stated they would take the chief's advice and settle in Texas. Some few stated they would remain with the chief to the last. All were to see that the ships were brought into the port of Lafitte's selection, whereupon the combination would be disbanded, and the members could go to wherever they chose.

"Having reached this understanding, the booty was divided to the entire satisfaction of all. Lafitte, being the captain and underwriter, received a share far in excess of the share of any one individual. He decided to cache most of it at False Live Oak Point, and it was so large that it took three nights to bury it. Madam Frank, who fraternized with the men, watched the bearers go into the woods with the chests and boxes. During the progress Lafitte came to her house and took refreshments. Once he exclaimed, "There is enough treasure in those woods to ransom a nation!" When the last trip was made into the woods, Mrs. Frank noted that the bearers did not return. Lafitte desired to be the sole repository of his secret, and dead men tell no tales.

"After all this business had been accomplished, the pirates took to their boats and headed toward the sea. Lafitte had been informed that the British and American vessels were blockading the passes at Caballo and Aransas, thereby bottling him up in the inlets. He decided to get to the gulf through Cedar Bayou, and in order to lighten the draught, as that channel was shallow, he had all excess cannon and baggage thrown overboard into Espiritu Santo Bay. All of the pirate vessels got through Cedar Bayou but the last, which got stuck and was wrecked. Mrs. Frank heard a cannonading in the direction of Cedar Bayou which lasted for three days and three nights, then ceased. She was always confident that Lafitte beat the British and American fleet, as she never saw him again."<sup>12</sup>

In 1819 the citizens of Natchez, Mississippi, were so enraged over the treaty between the United States and Spain, whereby the former relinquished all claims to Texas in consideration of Spain's sale to her of Florida. The indignant people of Natchez organized an expedition to invade Texas.<sup>13</sup> The expedition was placed under the command of Dr. James Long, of Natchez. General Long made two expeditions into Texas, the first in June, 1819, which got as far as Nacogdoches and which disintegrated before the advance of the Royalist colonel, Ygnacio Perez. Padre Jose Antonio Valdez was

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<sup>12</sup> *Statement, W. D. Bickford to Hobart Huson, Feb. 21, 1943*

<sup>13</sup> *Lamar Papers, I, 37-38*

chaplain to the Royalist forces. Bernardo Gutierrez, de Lara, was a member of Long's first expedition.

Long's second expedition, the one which concerns Refugio County, was organized by Long, Trespalacios, and Ben Milam, at New Orleans, independent of the Natchez citizens. The avowed purpose of this expedition was to oust the Royalists from Texas in aid of Mexican independence. Long and his followers established headquarters at Point Bolivar on Galveston Island. Trespalacios, Milam, and a small contingent sailed direct from Mexico in a vessel named the "Texas." The objective of Long was the capture of Goliad and Bexar. This he undertook to accomplish with a force of about 70 men. Leaving his wife on Galveston Island with a few soldiers as a guard, General Long, on September 19, 1821, set sail for Copano Bay. His force consisted of about 71 men and one piece of artillery, transported on one small schooner and two small brigs. While sailing down the coast, they overhauled two sailing vessels and searched them for contraband. Long took a few supplies from the vessels and compelled them to follow his fleet a considerable distance. He finally released the prizes.

The schooner, with 20 to 30 men, the piece of artillery, and most of the provisions for the expedition, were left in a bay two or three leagues from Paso Caballo. Long, with the two brigs and the remaining men, kept on down the coast and passed through McHenry's Bayou into Espiritu Santo Bay. Here the boats entered the Guadalupe and made their way to Mesquite Landing, on the west bank of the San Antonio, a slight distance below its junction with the Guadalupe.<sup>14</sup> The Mexicans sometimes referred to this place as El Sabino. In after years the land on which this historic landing is located was owned by Major Alfred Sturgis Thurmond, a hero of the Mier Expedition, and by Colonel William McGrew. The landing was located opposite Padre Valdez rancho.

There can be little doubt that Long landed his final expedition at Mesquite Landing, in Refugio County. However, there is some conflict of authority on this point. Bancroft states that he landed at the mouth of the San Antonio, which, of course, would be its juncture with the Guadalupe.<sup>15</sup> Notes made by General Lamar

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<sup>14</sup> Brown, *History of Texas*, I, 78

Bancroft, *North Mexican States and Texas*, II, 51

Thra's, *History of Texas*, 139

Yoakum, *History of Texas*, I, 207-208

Kennedy's *History of Texas*, 290

Lamar Papers, I, 44-51; II, 106-123; III, 483; IV, pt. 1, 225; V, 365

See Winsor's Deposition in *Withers v. O'Connor*, No. 418, Dist. Co., Ref. Co. for location of Mesquite Landing

<sup>15</sup> Bancroft, *North Mexican States and Texas*, II, 51

Lamar Papers, II, 113

(Vol. 2, p. 113) gives a rather bizarre account of the landing place, as follows:

"On the arrival of General Long at *Copano*, he was met by a party of *Cochattee* Indians who were recently from La Bahia and were then on the coast in quest of game and fish. This tribe of Indians had always been friendly to the North Americans, and had battled by their side most heroically in the wars of 1812 and 1813. They reported to General Long that the garrison at La Bahia was still adhering to the Royal causes and that Garcia, the Spanish commandant, might not be disposed to give him a friendly reception. They stated also that his coming was well known to the Spaniards, and that it would be dangerous for him to proceed to La Bahia with so small a force."

General Long and about 53 men landed at Mesquite Landing. In his party were two men named Black. Long left the elder Black in charge of the boats and supplies and started on a forced march for Goliad in the hope of surprising the place. The party reached the environs of La Bahia during the night of October 3-4 and surrounded the place. The next morning at daybreak they entered the town without resistance after disarming a sentry. Tomas Buentello, one of our *rancheros*, who was second *alcalde* at Goliad at the time, reported, "On the 4th inst. at daybreak, the so-called General Long approached this town with such a bustle and uproar that he might have been supposed to have had with him 200 or 300 men. Whereupon some families fled from the town." According to Don Tomas, Long captured the place with 51 Americans and one Spaniard. The adventurers remained in possession, unmolested until October 8, when Colonel Ygnacio Perez, with a large force, arrived from Bexar. Long, who seemed to have no definite plan of action after taking Goliad, began a parley with Perez, who the next morning broke off the same and attacked the adventurers. At ten o'clock of the morning of the 9th, General Long and his followers surrendered and were taken to Bexar. Kenedy states that Long's force amounted to 180 men; but most sources, including Mexican, place his force at less than 60.

Colonel Perez, upon learning that Long's boats were at Mesquite Landing, sent a small detachment down the river to seize them, which it did, incidentally killing the elder Black. General Long, as is well known, was taken to Mexico City, where he was mysteriously assassinated.

The Long expedition ended the era of the filibusters in this section of the province.

## CHAPTER VII

### AMERICAN COLONIZATION



ENERALS Augustin Iturbide and Vicente Guerrero concurred with each other in the famous *Plan of Iguala*, in February, 1821, thereby bringing to an end the bloody revolution which had ravaged Mexico for ten or eleven long years. The Treaty of Cordoba, of August 21, of that year, gave Mexico her freedom from Spain and ushered her into the family of nations. The *Heroe of Iguala*, however, betrayed the nation he had so recently liberated and by an act of usurpation had himself declared emperor. On July 25 he was crowned in the National Cathedral with all the pomp and ceremonial associated with such events. By this act of usurpation Augustin I initiated a century of political upheaval for his unhappy country, and gave impetus to a repercussion of events, many of which will unfold through subsequent chapters of this history. In 1823 the young General Antonio Lopez de Santa Anna, an exponent of republican principles, pronounced against the quondam emperor. After a brief but bitter struggle, Iturbide abdicated, February 19, 1823, and left the country an exile, with a decree of death awaiting him should he ever return. A Federalist Constitution for Mexico was adopted October 4, 1824. This constitution provided for a republican form of government, and we shall hear more of it in subsequent chapters of this work.<sup>1</sup>

While Mexico was in these political throes, negotiations were under way with view of opening Texas to colonization by North Americans. On January 17, 1821, the expiring royalist government of Mexico granted to Moses Austin a concession to introduce a colony of North Americans into the fair but wild province of Texas. Moses Austin never saw a copy of the grant. Having been assured that it would be made, he had returned to Missouri, where he died June 10, 1821.

Prior to his death he had associated his eldest son, Stephen Fuller Austin, with him in the project, and had sent him on to Texas to conclude necessary legal formalities in his behalf. Stephen F. Austin did not learn of his father's death until after he had neared the Sabine. A messenger, bearing these sad tidings, overtook the younger

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<sup>1</sup> Priestly, *The Mexican Nation*, 240-258; Bancroft, *History of Mexico*; Huson, *Iron Men*. See Chapter XXIII, post.



Austin's party, on July 10. Fortunately for Stephen F. Austin, the Mexican officials were fair and generous-minded men. They took the position that there would be no difficulty in having the son act in his father's stead. Such was the ultimate decision of Augustin I, and the succession of Stephen F. Austin to his father's contract was confirmed.<sup>2</sup>

The first visit of Stephen F. Austin to Texas, besides opening the way for all colonization which was to follow, had a direct influence on the founding of the Irish colony at Refugio. Some time prior to leaving Missouri, Austin had formed an acquaintanceship with a young Irish doctor named James Hewetson. The two young men were mutually attracted to one another and soon became close personal friends, so much so that the Austins usually referred to the doctor as their "most intimate friend."

Dr. Hewetson accompanied Stephen F. Austin from Saint Louis (Mo.) to New Orleans. At the latter place Austin was the house guest of his partner, Joseph H. Hawkins, who financed the Austin colonial venture.<sup>3</sup> Dr. Hewetson, who had decided to go to Mexico to seek his fortune, was invited by Austin to become one of the small party which was to accompany him to Texas. Hewetson accepted the invitation.<sup>4</sup> Living at New Orleans at this time was another young Irishman who was then engaged in the mercantile business. He was James Power, and is said to have been a kinsman of Dr. Hewetson. Power met up with Austin and Hewetson, and became afflicted with the Texas fever. He entertained a notion of going with the Austin party to Texas, but quickly abandoned it.<sup>5</sup>

The Austin party, which included Dr. Hewetson, left New Orleans for Texas on June 18, 1821. It proceeded up the Red River to Nachitoches, where it arrived on the 26th. After a delay, which was occasioned by the receipt of news of Moses Austin's death, the little group continued on its way to Texas. Hewetson and most of the party crossed the Sabine on July 10. Austin himself entered Texas six days later, and rejoined his companions who were waiting for him.<sup>6</sup> In the meantime, Austin had met up with Erasmo Seguin and J. M. Veramendi, who had been sent to meet and escort him into the province.

At daylight on August 12, Austin and his companions were advised that the Mexican War for independence had been formally

<sup>2</sup> Wortham, *History of Texas*, I, 51-67; 69-80; Yoakum, *History of Texas*, I, 209-214; Bancroft, *North Mexican States and Texas*, II, 54-76; Brown, *History of Texas*, I, 83-116

<sup>3</sup> *Austin Papers*, II, 397-398

<sup>4</sup> Stephen F. Austin, *Journal*, 7 Q. 286, et seq., Wortham, *History of Texas*, I, 74-77

<sup>5</sup> Philip Power, *Memoirs*

<sup>6</sup> Wortham, *History of Texas*, I, 76; Austin, *Journal*, 7 Q. 287-288

and successfully ended. At that hour the party was in camp within a few hours ride of the ancient capital of Bexar. At noon of the same day they entered that dreamy old town.<sup>7</sup> After several days sojourn in San Antonio, Dr. Hewetson left the Austin party and went on to Mexico. There he established himself in the mining, manufacturing and mercantile businesses at Saltillo and Monclova and soon became a naturalized citizen.<sup>8</sup> His success was rapid. He shortly married a wealthy Mexican widow, and became an influential figure in Coahuiltexan governmental circles.<sup>9</sup> Thus the foundation of the Refugio Colony was in the making.

Under the terms of his concession Austin had the privilege of selecting the site for his colony in any part of Texas he might desire. Not only was he given this priceless preference, but he was accorded every aid and assistance which was within the power of the provincial officials to bestow.

Accordingly, Austin, in company with friends, and piloted by guides supplied by the officials, left Bexar on August 21 to explore the coastal section for the purpose of selecting the site for his colony. As we shall see, present-day Refugio County narrowly missed becoming part of the first American colony, and parts of the original Refugio County were actually explored and trod by the Father of Texas.

The Austin party reached La Bahia on the 26th of August.<sup>10</sup> In his diary entry for that date Don Estevan writes: "Town in state of ruin, owing to the shock it recd. in the revolution and subsequent Indian depredations — the inhabitants have a few cattle and horses & raise some corn. There is however a very considerable trade through this town from Nachitoches to the coast and money is tolerably plenty . . ." At La Bahia Austin was entertained by the alcalde and Padre Valdez, curé of La Bahia. Of the latter Austin has to say that he was "a very gentlemanly and liberal minded man and a great friend of the Americans." On September 3, Austin began his explorations of our section of the state. He does not appear to have visited Refugio Mission, but to have struck out east to the Coleta Creek, which he reached on the 3rd. The next day he turned and went across country to the Guadalupe. Quoting his diary<sup>11</sup>

"Tuesday 4. Turned off the road. Came on to the Guadalupe river, 12 miles. Prairie gently rolling land generally good, near the river very good, wide bottoms heavy timber of oak, Pecan &

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<sup>7</sup> Austin, *Journal*, 7 Q. 296

<sup>8</sup> Decree No. 13, Naturalizing Hewetson, August 11, 1827

<sup>9</sup> Philip Power, *Memoirs*

<sup>10</sup> Austin, *Journal*, 7 Q. 286, et seq.

<sup>11</sup> Austin, *Journal*, 7 Q. 299-300.

stoped in the edge of the Prairie on the East side of the River & took dinner—cloudy & windy. In the afternoon I directed the Pilots to steer for the old mission on the lake that the Guadalupe and St. Antonio Rivers empty into—and accordingly we left the road and took a S SE course, encamped on the Bank of the Guadalupe 3 miles from the road and Deer being plenty some of the party went a hunting & some a fishing. The hunters brought in a fat Buck & the fishermen two fine soft shell turtles & one fish,—the turtles were very fat and made good soup with no other seasoning but salt & pepper—the water of the river is very clear and pure, and well tasted—fish appear plenty but we caught but one. The land is good and lays beautifully. After leaving the river bottom there is a rise of about 50 feet, after which is level smooth Prairie as far as the eye can reach. . . .

“Wednesday Sept. 5 continued on a S SE direction down the river, and immediately on the bluff which is from 40 to 50 feet high—the bottoms are very wide, and heavy timber—land rich, back from the bluff level smooth Prairie as far as the eye could reach—Deer very & mustang horses very plenty saw at least 400 of the former & 150 of the latter, one mustang colt that got separated from the gang came on with us, some of the horses are very good and would sell from (\$) 100 to (\$) 200 in La. stoped on a pond in the river bottom took dinner, water a little brackish Alligators plenty,—& very mirey.

“In the afternoon came on about 8 miles to a Spring branch of very good water, tho there was not much of it, barely creeping through the grass here we encamped for the night. Land & country the same —

“Thursday 6—came on about 5 miles and struck a large lake in the River bottom of good sweet water, high banks, and hard bottom, found an old Karanqua encampment on the bank of the lake apparently a month old—this lake is about 4 miles long and  $\frac{1}{2}$  wide. two miles below is another lake longer than the first which are connected by a narrow channel—on this lake we stoped for dinner at a large Karanqua encampment about 3 weeks old— In the afternoon at the bottom of this lake we came to the head of Matagorda Bay & the mouths of the Guadalupe & St. Antonio rivers— The Bay has a beautiful appearance—on the east side the land is high, say 25 feet above the water and forms an immense prairie as far as the eye could reach—on the west side there is a strip of high timber, just discernible—the Guadalupe & St. Antonio rivers empty into this Bay.

“The head of the Bay on the east side is a beautiful situation for a Town, the land is all first rate, but too level, there is no



timber except on the river, there is an extensive Cypress Swamp on the river, and heavy pecan & oak timber.

"found another Karanqua encamp at which was a small Anchor & a quantity of large iron spikes, and seven Alligator heads and the skins of Alligator Gars. These Indians live principally on fish and eat *all kinds*, Alligators & &." <sup>12</sup>

On September 7 the Austin party struck out due east for the site of old La Bahia, thus leaving the limits of our history area. However, in 1828-1831 Austin compiled a description of Texas for publication in connection with his map. He describes Aranzazu and Nueces Bays as a good inlet having eight feet of water. He states the Guadalupe, San Antonio, Aransas and Nueces rivers all to be navigable a short distance. The Guadalupe and San Antonio are very beautiful rivers of pure fountain water, and afford a great many eligible situations for water mills. Quoting Austin,

"The level region lying to the west of the Guadalupe and between that river and the Nueces differs from the other parts of the coast in being much more scarce of timbers, in fact almost destitute except on the San Antonio and Aransas rivers where there is a sufficiency, though not an extensive body. The soil is very rich and fertile, the water good. The climate is more pleasant and wholesome than farther east, and the pasturage much better, being composed of a different kind of grass called the Muskite grass. It is fine, seldom exceeds six inches in height, resembles the blue grass, and is the most nutritious pasturage in the country—it also has the advantage of being grown all winter."

After mentioning the two projected Irish colonies in this area, General Austin proceeds:

"The country back and to the northwest of the level region last mentioned (between the Guadalupe and Nueces) is undulating, moderately so at first, and rising higher by degrees to the mountain range about two hundred miles distant. The whole of this section affords the best of pasturage, being principally of Musquite grass and is probably better adapted to graze in than any other part of Texas, the soil in general is good—timber and water are scarce, the Nopal, or prickly pear grows here in great quantities and very large. Limestone is abundant, to within fifteen or twenty miles of the coast. There is a low tree belonging to the locust family, called the Muskite, which is very abundant all over this section. It seldom grows larger or taller than a very large peach tree, which it resembles very much in its general appearance. The leaves are those of the honey locust, only smaller, it has a small thorn, it bears a bean pod about the size

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<sup>12</sup> Austin, *Journal*, 7 S. W. H. Q. 286, et seq.  
*Descriptions of Texas by Stephen F. Austin*, 1828, 28 Q. 98



and shape of the common snap bean, which is very sweet, is used by the Indians in time of scarcity of food, and is equal to corn to fatten horses, cattle or hogs. The wood of this tree is very lasting, fully as much so as cedar, and is very valuable for posts in making post and rail fences. It is also better for fire wood than ash or hickory. The leaves of the Muskite are thought to be the best food that can be obtained for goats, and as those trees are low and in many places are only shrubs the goats keep fat by browsing on them when there is no grass. The tender leaves and fruit of the prickly pear is very nutritious food for horses and horned cattle, particularly the latter, which fatten on them."<sup>12/1</sup>

Having completed his explorations, Colonel Austin selected for his colony the now historic area extending from the coast inland, between the Lavaca and Trinity rivers.

The Austins blazed the way for the myriad empresario concessions which followed. Between 1821 and 1832 about twenty-six such contracts were granted by the Mexican State of Coahuila and Texas to as many contractors. The Federal Government was besieged with so many requests for colonization concessions<sup>13</sup> that the Mexican Congress enacted a decree on August 18, 1824, by which the Supreme government relegated to the several state governments the rights and powers of entering into contracts for colonization of public domain within their boundaries, subject to certain restrictions and regulations, one of which being that no contract could be made to colonize the ten littoral leagues nor the twenty border leagues along the United States boundary, without the special consent of the Supreme Executive of the Mexican nation.<sup>14</sup> In pursuance of this authority the State of Coahuila and Texas enacted its General Colonization Law, on March 24, 1825, same being Decree No. 16.<sup>15</sup>

As several of these empresario contracts are connected directly or indirectly with the section of the state, which is the subject of the instant history, it will be instructive to the reader to note such particular contracts and their several connections with our basic history. The contracts of Coahuila and Texas with the *empresarios* James Power and James Hewetson (June 11, 1828; March, 1829) are directly involved in our history, and the resultant Irish Colony of Refugio forms an important and glamorous part of our basic history. The others which have historical connection or affinity with the area

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<sup>12/1</sup> Barker, *Austin's Description of Texas*, 28 Q. 109-110.

<sup>13</sup> Wortham, *History of Texas*, I, 105

<sup>14</sup> Decree 72, *General Law of Colonization*, Aug. 18, 1824, G. L. I, 97-98

<sup>15</sup> Decree 16, *Law of Colonization, Coahuila and Texas*, March 24, 1825, G. L. I, 99-106, 125-133; Decree 9, *Instructions to Commissioners*, September 4, 1827, G. L. I, 180-184; Decree 190, *Amended Colonization Law*, April 28, 1832, G. L. I, 299-303. See also Holley, *History of Texas*, 196-233.

in which we are interested are those of: Stephen F. Austin, Martin de Leon (1823; October 6, 1825; April 30, 1829), Green DeWitt (April 15, 1825), John McMullen and Patrick McGloin (August 17, 1828), Drs. James Grant and John Charles Beales (October 9, 1832), and Dr. John Cameron (Cameron and Power) (May 21, 1827, February 19, 1828).<sup>16</sup> Their respective historical relationships to Refugio County will now be traced and explained.

Besides the personal explorations made by Austin on the Coleta and Guadalupe in 1821, Littleberry Hawkins, brother of Judge Hawkins, Austin's partner, spent four months on the Mexican Coast examining the mouths of the Brazos, Colorado, Guadalupe, and San Antonio rivers (1822-1823). He states "I was the first person that took a vessel to the landing of Guadalupe and the Bay of Musquittoes the mouth of the San Antonio River before I landed in the province." He left considerable supplies at the mouth of the Colorado which were destroyed by Indians.<sup>17</sup>

Austin, as many before and after him have done, was in quest of a good port site along the central coast of Texas. In 1826 he recommended to the government the reviving of the abandoned port of Galveston Island, and the establishment of new ports at the mouth of the Colorado and on Matagorda Bay, the latter for inland navigation by the San Antonio-Guadalupe and the Lavaca. Don Esteban obtained permission to open the port of Galveston and in 1826 conceived the idea of establishing a packet service between that place and Tampico, which would make intermediate points including the mouth of the Guadalupe. To effectuate this Austin induced the military commander of Texas to purchase the sloop *Mexicana* and an oar boat, located in the San Antonio river, from John R. Harris, which the latter brought to Galveston.<sup>18</sup>

It would seem that Austin, even more than de Leon, was responsible for making abortive Power and Hewetson's original concession of the ten littoral leagues between the Lavaca and the Trinity.<sup>19</sup> Austin evidently got wind of the project before the Irishmen made formal application therefor, as we find him writing the governor on June 5, 1826, praying that the government grant him permission to

<sup>16</sup> Holley, *History of Texas* (Austin's Map of Texas); Henderson, *Minor Empresario Contracts*, 32 Q. 1-28; Rather, *DeWitt's Colony*, 8 Q. 95-192; Brown, *History of Texas*, I, 118-123; Bancroft, *North Mexican States and Texas*, II, 69-70.

<sup>17</sup> *Hawkins to Austin*, Lexington, Ky., Oct. 7, 1824. *Austin Papers*, Vol. 1. (Also postscript to letter, pp. 921-924), *Austin Papers*, Vol. 1, pp. 631-632.

<sup>18</sup> Austin to Political Chief, March 18, 1826. *Austin Papers*, Vol. 1, 1281-1283; Austin to Manchola, March 18, 1826, *Austin Papers*, Vol. 1, 1285; Austin to Ahumada, March 18, 1826, *Austin Papers*, Vol. 1, 1285-1288. Austin to Political Chief, March 27, 1826, *Austin Papers*, Vol. 1, 1299.

<sup>19</sup> Austin to the Governor, June 5, 1826, *Austin Papers*, Vol. 1, p. 1353.

colonize the ten leagues of the coast border between the Lavaca and the San Jacinto and that they be annexed to his contract to settle 500 families.

The Karankawa Indians from our coast country gave Austin, DeWitt, and DeLeon's colonists no end of trouble. Each of these colonies sent out frequent punitive expeditions against the savages. The Austin colonists were perhaps the most vigorous and effective. In 1824 they captured a band of Karankawa horse thieves and tied and whipped them in the presence of their chiefs. This act did not deter the savages from further outrages. In August, 1824, a campaign was conducted in the Lavaca-Navidad section. In September Colonel Austin led a force in direction of Goliad. The Indians were met, fought and about half of the warriors killed. The survivors fled to the Goliad missions for protection. The civil authorities took the part of the Indians and wrote the political chief, denouncing Austin as a persecutor. Refugio Mission had been then temporarily closed, and the padres of that mission were at Goliad. Fathers Diaz de Leon and Muro and the alcalde sent an express to Austin stating that the Indians would sign and keep a treaty of peace. A meeting was arranged at Manehuila creek; and, after a preliminary pow-wow, representatives went to Goliad, where the terms were agreed upon.<sup>20</sup> On the representations of the priests that the Indians would sign the treaty, Austin's militia withdrew; and on October 28, 1824, the *ayuntamiento* of Goliad notified Austin that the Karankawas had signed the treaty with a slight modification.<sup>21</sup>

The Karankawas observed the peace but temporarily. On September 10, 1825, Austin notified the military commandant that Chief Prudencia was then out raiding. In the spring of 1827 General Anastacia Bustamante (afterwards president of Mexico), aided by all of the colonists, made a campaign against the coastal Indians which "drove them into the sea." Portions of this campaign were conducted in Refugio County. As a result, another treaty with the Karankawas was signed at Victoria on May 13, 1827. Padre Miguel Muro, minister in charge of the mission for the *Carancahuases*, Reverend Br. Jose Antonio Valdez (whose ranch was in this county) and Chief Antoñito signed on behalf of the Indians. General Bustamante

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<sup>20</sup> Kenedy, *History of Texas*, 340  
Karankawa troubles in *Austin Papers*, Vol. 1, pp. 560, 676, 710, 715, 768, 840, 879, 885, 1068, 1197  
Oberste, *History of Refugio Mission*, 310-312  
Captain Petrus Account, *Lamar Papers*, Vol. IV, 1 pt. 1 245-246. He states that the padres represented the Indians to be good Catholics and members of the churches of Refugio and Goliad

<sup>21</sup> Austin to Authorities of LaBahia, Nov. 1, 1824, *Austin Papers*, Vol. 1, p. 930  
Austin to Ahumada, Sept. 10, 1820. *Austin Papers*, Vol. 1, p. 1198



signed for the government, and the three empresarios and their co-representatives for Austin, de Leon, and DeWitt colonies.<sup>22</sup>

One of the most distinguished natives of Texas was General Jose Maria J. Carbajal, who was born at Bexar. His father, Jose Antonio, was a soldier who had died prior to 1821, leaving a widow and eleven children, most of them quite young. The family was descended in several lines from original Canary Island settlers and was connected with the Manchacas, Navarro, Flores, Perez and many other prominent and worthy *hidalgos*. Stephen F. Austin was really fond of cultured Spanish and Mexican families and had many deep friendships among them. At Bexar, Erasmo and Juan N. Seguin were his particular friends, and Austin and his brothers and the Hawkins always stayed with the Seguins when in Bexar, nor would Don Erasmo hear of compensation or contribution.

Austin, the Hawkins, Ben Milam, and Philip Dimmitt became acquainted with the widow Carbajal and took a great fancy to young Jose Maria, in whom they detected exceptional intelligence and a desire for scholarship.<sup>23</sup> When Littleberry Hawkins left to return to Kentucky in 1823, Madam Carbajal was persuaded to let him take Jose with him, on the assurance that he would receive a sound English education. Hawkins took the boy to Frankfort and apprenticed him to his brother-in-law, Blanchard, to learn the saddlers trade, while mastering the elements of English. Jose Maria remained with Blanchard two years but, disagreeing with him, went to Lexington to work for another saddler, Peter Hedenbergh. At that time the Reverend Alexander Campbell (founder of the Disciples of Christ) was one of the most noted educators west of the Allegheney and taught a select school at Bethany, Virginia, near Wheeling. Carbajal studied under this eminent man for three or four years, becoming a master of the English language. He returned to Bexar in the Spring of 1830. Austin was so proud of Jose that he had him call in 1832 on Austin's distinguished cousin, Mary Austin Holley. Carbajal subsequently married Refugia de Leon, daughter of Don Martin, and became a colonist in the Victoria colony.<sup>24</sup>

Unfortunately for our source material, Stephen F. Austin was in prison in Mexico City during the high tide of the two Irish colonies. Had he been at his usual post he no doubt would have been consulted on many problems by the Irish empresarios, as he was by most all

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<sup>22</sup> Treaty of May 13, 1827, *Austin Papers*, Vol. 1, pp. 1639-1641

<sup>23</sup> Chabot, *With the Makers of San Antonio*, 32-35; Huson, *Iron Men*, 71-72

<sup>24</sup> *Austin Papers*, relating to J. M. J. Carbajal, Vol. 1, pp. 921, 1366; Vol. 2, pp. 135, 404, 475, 745



others. As is well known, Austin, Erasmo Seguin, and J. B. Miller were elected by the convention at San Felipe to present the memorial of the Texian colonists to the Mexican government. Of the three, Austin alone went. He routed himself by way of Bexar in hope Don Erasmo would accompany him. He continued (May 10, 1833) to Mexico by way of Goliad, entering Mexico at Matamoros, where he had a conference with General Filisola. Whether he got a ship out of Copano or went overland is not known.

In concluding our reference to Austin's colony, it might be stated that a few of Austin's colonists came in through Refugio ports. John Hawkins wrote Colonel Austin from Refugio Mission, on April 29, 1822. From his letter it would appear that six or seven families had been landed a few days before at the mouth of the San Antonio or Guadalupe. Hawkins met one of them, Whitson, on April 24 at La Bahia. Hawkins came to Refugio Mission with his surveying instruments in the hope of finding work there. He apparently found none.<sup>25</sup> A number of Austin colonists eventually became citizens of Refugio County. Among them were Philip Dimmitt, Thomas M. Duke, James Hampton Kuykendall, William Kuykendall, Alexander H. Phillips, James Cummings, William Bloodgood, Benjamin Rawls. Oliver Jones, an Austin colonist, married Rebecca Westover, widow of Captain Ira Westover.

Martin de Leon's colony adjoined the Power and Hewetson colony on the east, the DeWitt colony on the south, and Austin's first colony on the west. Don Martin, as the records prove, was a disagreeable neighbor to all of his adjoining *empresarios* and their colonists. De Leon, from all accounts, was a cultured, aristocratic old *grandee*, who had many fine points of character. However, his detestation of Americans, which he made no effort to conceal, and his opposition to Nordic colonies, in which he was outspoken, led him to do many deeds which were petty and spiteful, and sometimes violent.<sup>26</sup>

De Leon's enjoys the distinction of having been the only colony composed of Mexicans to have been established after Texas had been opened to general colonization. Because of this fact, as well as his influential political connections, Don Martin was favored by the Mexican officials, although he was a source of worry to them. In Tamaulipas the De Leon family enjoyed high rank and prestige.<sup>27</sup>

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<sup>25</sup> John Hawkins to Austin, April 29, 1822, *Austin Papers*, Vol. 1, p. 502

<sup>26</sup> *Austin Papers*, I, 1276-1280; 1291, 1402, 1421, 1435, 1501, 1503, 1526, 1529-1531; Rather, *DeWitt's Colony*, 8 Q. 108, 108-112. See p. 154-156 post, disputes with Power and Hewetson.

<sup>27</sup> Chabot, *With the Makers of San Antonio*, 32; *Victoria Advocate*, Sp. 88th Anniversary Ed. Huson, *Iron Men*, 43-44

Señora de Leon was a near kinsman of General Felipe de la Garza, who was for some time commandante-general of the Eastern Internal Provinces.

The De Leon family dominated Goliad and controlled its *ayuntamiento*, although Goliad was in no wise connected with the Victoria colony, or any other colony for that matter. Don Martin's sons-in-law, Jose Miguel Aldrete and Rafael Antonio Manchola, took turns about as *alcalde* of Goliad during most of the colonial period. The *ayuntamiento* was therefore an ever-pliant and willing vassal of the autocrat of the Guadalupe. An illustration of this is found in connection with De Leon's disputes with Green DeWitt, when, in 1826, the former, with his son-in-law, Manchola, and the troops at Goliad invaded DeWitt's colony. De Leon threatened to carry back with him DeWitt's head tied to his saddle.<sup>28</sup> DeWitt was spared his head, but was hauled into Bexar as though he were some low criminal.

After living on his *ranchos* on the Aransas and Nueces until about 1823, without being able to procure titles, De Leon received permission from his wife's kinsman, General de la Garza, to found a town on the lower Guadalupe with 41 families.<sup>29</sup> In consequence the town of Victoria was founded during 1824. Most of the settlers were the proprietor's own kinsmen.<sup>30</sup> In 1825 the concession was converted into a regular *empresario* contract, but, unfortunately for the neighboring *empresarios*, no definite boundaries of his *empresa* were fixed by either contract. Therein lay the source of most of De Leon's controversies and disputes with his brother *empresarios*.

The original 41 colonist families of the Victoria colony, whom it should be noted were in the main connected with the patrician families of Tamaulipas and Bexar were those of

Eufemio Benavides, Isidro Benavides, Nicolas Benavides, Captain Placedo Benavides, Fulgencio Bueno, Alvino Cabazos, Francisco Cardena, Jose Luis Carbajal, General Jose Maria J. Carbajal, Hypolito Castillo, Rafael Chovel, Agaton Cisneros, Esteban Cisneros, Manuel Dindo, J. M. Escalera, Sr., J. M. Escalera, Jr., J. N. Escalera, Pedro Gallardo, Estevan Galvan, Desidero Garcia, Valentin Garcia, Julian de la Garza, Pedro Gonzales, J. Guajardo, Carlos Holquin, Carlos Laso, Agapito de Leon, Felix de Leon, Fernando de Leon, Francisco de Leon, Martin de Leon, Silvestre de Leon, Charles Linn, Edward Linn, John Linn, John J. Linn, Rafael Antonio Manchola, Leonardo

<sup>28</sup> Rather, *DeWitt's Colony*, 8 Q. 110-111. See *Howard v. Richeson*, 13 Tex. 353, which involved conflict of boundaries of DeLeon and DeWitt's colonies.

<sup>29</sup> Brown, *History of Texas*, I, pp. 120-121. Henderson, *Minor Empresario contracts*, 32 Q. 4.

<sup>30</sup> *Victoria Advocate* (Sp. Ed.) September 28, 1934; *DeLeon's Application for Right to Found Town*, April 8, 24, Tr. Emp. Grants I, 55-57; *Governor to De Leon*, Grant, April 13, 1824; Tr. Emp. Grants, I, 59-61. Henderson, *Minor Empresario Contracts*, 32 Q. 1-28—.

Manso, Ygnacio Mayon, John McHenry, Alejo Perez, Simon Rios, Bonifacio Rodriguez, Manuel Solis, Francisco Villareal, Joseph Ware, and John D. Wright.<sup>31</sup>

Among these colonists were men and women who later became identified with Refugio County. Jose Miguel Aldrete and his son, Jose Maria, and Jesusa de Leon, wife of Rafael Antonio Manchola, received grants in 1834 as Power and Hewetson colonists, the lands so granted being parts of the lands on which the De Leons and Aldretes had had their *ranchos* many years before. Captain Placedo Benavides' name will appear frequently on later pages of this history. His daughter married Captain James Cummings. Their daughter became the wife of Captain Daniel C. Doughty of Refugio. Pedro Gallardo, Julian de la Garza, John J. Linn, and Edward Linn received grants in the Refugio colony. John J. Linn's daughter, Honora, was the first wife of Major James Kerr. Carlos Laso's daughter, Luisa, became the wife of Captain Philip Dimmitt, later a citizen and official of Refugio County. General Jose Maria J. Carbajal already has been mentioned in connection with Stephen F. Austin.\*

Many of the DeWitt colonists came to Texas through the port of El Copano. Byrd Lockhart, with 55 men, women, and children bound for Gonzales, landed at the old port in February, 1829. No provisions having been made to facilitate their journey inland, the colonists remained at El Copano or Refugio, until Captain Lockhart could go to Gonzales and return with wagons and teams. He got back to the bay about March 3.<sup>25</sup> Other colonists for DeWitt's colony landed at El Copano, singly or in groups, from time to time. John Duff Brown and his family arrived there in 1828.<sup>26</sup>

Peter Teal, originally a DeWitt colonist, became a Power and Hewetson colonist. He was a prominent citizen of Refugio county.<sup>27</sup> There was a DeWitt colonist named William St. John, but he appears to be another William St. John than he of the Power colony.<sup>28</sup> The *Padre* Jose Antonio Valdez had a grant in the DeWitt colony as well as the Refugio colony.

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<sup>31</sup> Brown, *History of Texas*, Vol. 1, pp. 120-121  
Victoria Advocate, Sept. 28, 1934

\* The following Texas Supreme Court cases involve DeLeon and his colony: *Sutherland v. DeLeon*, 1 Tex. 250; *Tarpley v. Poage*, 2 Tex. 139; *Linn v. Scott*, 3 Tex. 67; *Kemper v. Town of Victoria*, 3 Tex. 135; *Cameron v. White*, 3 Tex. 152; *DeLeon v. Owen*, 3 Tex. 153; *Ingram v. Linn*, 4 Tex. 266; *Hardy v. DeLeon*, 5 Tex. 211; *Linn v. Montross*, 5 Tex. 509; *Wheeler v. Moody*, 9 Tex. 371; *Yenda v. Wheeler*, 9 Tex. 407; *Bissell v. Haynes*, 9 Tex. 556; *DeLeon v. White*, 9 Tex. 598; *Wright v. Linn*, 16 Tex. 35, 18 Tex. 317; *Word v. McKinney*, 25 Tex. 258; *Aldrete v. Dimmitt Heirs*, 32 Tex. 575.

<sup>25</sup> *DeWitt to Austin*, March 3, 1829, *Austin Papers*, II, 175

<sup>26</sup> Brown, *Reminiscences*, 12 Q. 296 (297)

<sup>27</sup> Allen, *Reminiscences of Mrs. Annie Fagan Teal*, 34 Q. 317

<sup>28</sup> *Depositions of William St. John*, *Welder-Lambert Law Suit*  
For history of DeWitt's Colony see Rather, *DeWitt's Colony*, 8 Q. 95-191 and maps

Valentine Bennett was a storekeeper at Goliad during the revolution and was quartermaster to the Texian armies quartered there.

After the Revolution several DeWitt colonists settled near the Refugio County line, and were well known in this county. Among them were Darwin M. Stapp, author of *Perote Prisoners*, and Elijah Stapp.

The Cameron family looms large in our history. Dr. John Cameron, a political figure at Monclova, was a close friend of Power's and one of the colonists. Captain Ewen Cameron, Hugh Cameron, and their cousin, John W. B. McFarlane, will have a prominent part in our post-revolutionary history. Dr. John Cameron had an *empresa* on the Red River. From the *Power Papers*, it appears that Colonel Power was a secret partner in the Cameron colony.

The territory which was conceded to John McMullen and Patrick McGloin for their colony had been previously contracted by Coahuila and Texas to the *empresarios*, Dr. John G. Purnell and Benjamin Drake Lovell, citizens of the United States but then residing in Mexico. The Lovell contract was dated October 22, 1825.<sup>28</sup> Judge Rea states that old settlers told him that the Purnell-Lovell venture was to have been a "socialist colony."<sup>29</sup> Dr. Purnell was drowned at Matamoros, and Lovell continued alone. In May, 1826, Lovell (called by the Mexicans "Lobell") petitioned for "an extension of the limits of his colony to include the ten littoral leagues in his front, from the mouth of the Nueces, eastward, a little more than ten leagues."<sup>30</sup> Not being able to make any progress, Lovell requested to be relieved from his contract. The request was granted in 1828.<sup>31</sup>

McMullen and McGloin in anticipation of Lovell's surrender of his *empresa*, made application for a colonization contract to cover the same territory. The extension to cover the ten littoral leagues in front thereof had not been granted by the government. On August 17, 1828, the Irish brothers-in-law were given the coveted contract. Their concession began on the left bank of the Nueces River, at its intersection with the boundary of the Ten Coast Border Leagues of the Gulf of Mexico, thence with the said boundary

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<sup>28</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 15-16; and Barker's *History of Texas*, 89; Tr. Emp. Cont. 76

<sup>29</sup> W. L. Rea, *Memoirs*

<sup>30</sup> Blanco to Minister of State and Relations, October 2, 1826. Tr. Empresario Contracts (Power and Hewetson, General Land Office. Record, Welder-Lambert Law Suit, 25.

<sup>31</sup> Henderson, *op. cit.* A more detailed, and, perhaps, authentic history of one San Patricio Colony is to be found in Father Oberste's, *Texas Irish Empresarios*, in press, 1953.



line to a point ten leagues distant, southwardly from the Presidio de La Bahia del Espiritu Santo (Goliad), thence on a straight line, to the confluence of the river Medina with the San Antonio, thence with said river, on its right bank, to the point where it is crossed by the old road, which leads from Bexar to the Presidio of Rio Grande, thence with said road to the river Nueces, and thence with said river downwards on its left bank to place of beginning. The contract especially provided that the ten littoral leagues must not be encroached upon.<sup>32</sup>

While the bulk of the McMullen and McGloin colonists were Irish (the remainder being Spanish and Mexicans who had already established themselves within the *empresa* and its environs) and were natives of Erin, many of them did not come direct from the Emerald Isle to the Texas colony. The *empresarios* appear to have recruited most of their colonists in and around New York City.<sup>33</sup> These Irish came singly, in groups, and in three large bodies between the early part of 1829 and the middle of 1833. The Toole family landed on St. Joseph's Island in July, 1829, then got up to Mesquite Landing and, after stopping at Nicholas Fagan's for several days, went on to Refugio Mission.<sup>34</sup> In July, 1829, both *empresarios* went to New York. By September they had gained enough recruits to fill two small sailing vessels. These colonists shipped out of New York in September in a brig and a schooner,<sup>35</sup> the *Albion* and the *New Packet*. Both vessels reached Texas in October, the colonists on the *Albion*, with whom was McMullen, landing at Matagorda, and those on the *New Packet* landing at El Copano.<sup>36</sup> The captain of the *New Packet* was Captain Harris. This vessel is said to have been the first square rigged vessel to enter Copano bay.<sup>37</sup> Both contingents of colonists went from their respective places of debarkation to Refugio Mission, where they camped for many months. The schooner *Albion* made two more voyages from New York to Texas, bringing more San Patricio colonists. On December 31, 1829, she anchored at El Copano, and her passengers went to join the earlier arrivals at the Mission. The

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<sup>32</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 13-14; and Barker's *History of Texas*, 89; Brown, *History of Texas*, I, 118-123; Huson, *El Copano*, 13; Oberste, *History of Refugio Mission*, 339; Lamar Papers, V, 378-382; I, 530; Ryan, *Shamrock and Cactus*, 18-22

<sup>33</sup> Henry Yelvington explains, "The main difference between the Irish of San Patricio and the Irish of Refugio \* \* is that the Refugio Irish all come directly from Ireland, while the Irish of San Patricio were recruited from new arrivals in Kentucky, New York, Louisiana and Ireland. Beckwith, *Early History of San Patricio County*.

<sup>34</sup> Martin Toole, *Deposition*, in Welder-Lambert Law Suit.

<sup>35</sup> James McGloin, *Historical Notes*, Lamar Papers, V, 378

<sup>36</sup> Captain Mariano Cosío, *Report*, May 29, 1830, Bexar Archives, Saltillo Transcripts, 181-184

<sup>37</sup> Beckwith's stories give the date of landing at Copano as September instead of October. *Early History of San Patricio County*

last arrival of the *Albion* was in the middle of March, 1830.<sup>38</sup> It is said that she landed these passengers at McGloin's Bluff, near the present Ingleside<sup>39</sup>; but it is more probable that they, too, were landed at El Copano. McCampbell relates an amusing incident of these Irishmen landing and seeing prickly pear for the first time. The *tunas* looked luscious to them, and they took off their shirts and filled them with the fruit. Having emptied their loads aboard the vessel, they put their shirts back on, in ignorance of the thousands of microscopic stickers embedded therein.<sup>40</sup> The number of families which arrived on these three voyages is not certain, but they must have aggregated more than a hundred. This number not being sufficient to complete their contract, the *empresarios*, or one of them, made another trip to New York and succeeded in assembling an additional group of colonists. These sailed from New York in the schooner *Messenger* sometime during 1833. On arrival at Aransas Pass the captain was unwilling to risk the hazard of crossing the bar and declared his intention to return back to New Orleans. Two of the families debarked, probably on one of the islands, and eventually got to San Patricio. The other families returned to New Orleans, where they landed and settled.<sup>41</sup>

McMullen and McGloin, not having been able to perform their contract within its time limits, despite their diligent efforts to do so, the *empresarios* petitioned the Congress of Coahuila and Texas to grant them an extension. On January 27, 1834, the term of their contract was extended four additional years.<sup>42</sup> McMullen sold his interest in the contract to his partner.<sup>43</sup>

Pending the assembly of sufficient colonists to warrant the sending of a commissioner to extend titles, the successive arrivals of McMullen and McGloin colonists congregated at Refugio Mission.<sup>44</sup> Furthermore, it is said that supplies and provisions were low, and it was thought best to wait at Refugio rather than wait on the Nueces, as it was the most convenient place to obtain supplies from both Goliad and New Orleans.<sup>45</sup> The Hibernians had a long wait, and many of them got discouraged and returned to New Orleans and

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<sup>38</sup> Official Reports and Correspondence, relative to charges against McMullen bringing contraband into the country. Bexar Archives, Saltillo Transcripts, 188-196; Oberste, *History of Refugio Mission*, 339. (gives date December 16, 1829)

<sup>39</sup> Beckwith, *History of San Patricio County*.

<sup>40</sup> McCampbell, *Saga of a Frontier Seaport*, 63; see also 2d ed. 1953.

<sup>41</sup> Benjamin Rice, *Irish in Texas*, MS—K of C Archives, St. Edward's University, Austin

<sup>42</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 13; Barker, *History of Texas*, 89; Decree No. 250, January 27, 1834, G.L. I, 339

<sup>43</sup> Ryan, *Shamrock and Cactus*, 21

<sup>44</sup> Huson, *El Copano*, 13

<sup>45</sup> McMullen, *Historical Notes*, *Lamar Papers*, V, 378-383; I, 530

New York.<sup>46</sup> By our comparing the number of grants actually issued with the number brought to Texas by these empresarios, it would appear that more left than remained.

Immediately on arrival at the Mission the colonists organized a militia company under Captain Kelly. They had brought along a small cannon for protection of their settlement. A few days after their arrival at Refugio the Irishmen had occasion to try out their little army. A band of Lipans appeared at the mission and demanded presents. John McMullen refused the demands, whereupon the Lipan chief became impertinent and threatening. McMullen ordered Captain Kelly to assemble the militia, and he did so immediately. The cannon was fired, and the Indians became scared and fled. After they had overcome their fright, they returned and requested McMullen to have the cannon fired again, but he refused. More friendly now, the Indians stated that they would camp there for the night; but McMullen told them to find another campsite. The Indians went off and returned no more.<sup>47</sup>

With the McMullen colonists was the Irish priest, Henry O'Doyle. The old mission which had been actually abandoned in 1828, 1829 or 1830 was in a dilapidated state of repair. As the San Patricio colonists expected to remain at the mission for an indefinite period of time, O'Doyle petitioned the government for permission to rebuild the chapel of Refugio mission and also to build a new chapel at San Patricio, when that *pueblo* should be founded. The request was granted by Governor Viesca on April 21, 1830.<sup>48</sup>

The McMullen colonists had remained so long at Refugio that Colonel Power, who now had the right to colonize the littoral leagues to the Nueces, began to register complaints with the Mexican authorities. Power probably suspected that his rival *empresarios* entertained a notion of attempting to wrest this territory from him. Most of the lands between the Guadalupe and Nueces, as we have seen had been allotted to Refugio and Rosario Missions, and it would appear that McMullen was contending that the lands were not included in Power's contract and would be open to new contract if and when the missions' rights were formally extinguished. The political authorities at Bexar and La Bahia, for reasons of their own, did not approve of the McMullen colonists' remaining longer

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<sup>46</sup> Oberste, *History of Refugio Mission*, 340; See Depositions of Patrick Quinn and Martin Toole, in Welder-Lambert Law Suit. Beckwith, *Early History of San Patricio County*

<sup>47</sup> McMullen, *Historical Notes, Lamar Papers*, V, 378-383; I, 530  
Oberste, *History of Refugio Mission*, 340

<sup>48</sup> Decree No. 139, Coahuila and Texas, April 21, 1830, G. L. I, 265  
Oberste, *History of Refugio Mission*, 340

within the littoral leagues. Accordingly, they summarily ordered the San Patricio colonists to proceed to their own *empresa*.<sup>49</sup>

McMullen and McGloin then began to take steps to comply with the orders. In the summer of 1830 they selected a site for their colonial capital, on the left bank of the Nueces, at the point where the *Camino Real* between Goliad, Laredo and Reynosa crossed the river, and near the old fort of Lipantitlan, which is said to have been in near proximity to a log mission established for the Lipans in 1690. They named the site the *Villa de San Patricio de Hibernia*, in honor of Ireland's patron saint. In August, 1830, they built on the intended plaza of the *Villa* a log church, with palmetto roof and dirt floor, and named it *St. Patrick's*. Father Henry Doyle was the first pastor.<sup>50</sup>

The site chosen for the town of San Patricio was pretty and strategically located, being on a beaten highway and being within a day's hauling distance of coastal landing places in the vicinity of McGloin's Bluff.<sup>51</sup> The site, however, was clearly within the edge of the ten littoral leagues and consequently within Power and Hewetson's concession. This fact provoked disputes and engendered hard feelings between the two twains of Irish *empresarios*.

From the records it appears that there were many disputes and agreements between the *empresarios* of the San Patricio colony and their colonists, some occurring while the colonists were encamped at Refugio and others after they had gone to their own territory. The result was that some of the families left Refugio and went to New Orleans, while others remained to join the Power and Hewetson colony, and some of those who did go to the Nueces returned to Refugio and became members of the Power Colony.<sup>52</sup> On this point Philip Power says:

"It may be noted that quite a number of those who became Power and Hewetson colonists had originally come to Texas with other colonies or for the purpose of joining some other colony. The Teals were originally DeWitt colonists. The Quinns, Quirks, Carrols, O'Tooles, O'Boyles, O'Driscolls, Ryans, Scotts and some of the Carlisles and Harts came with or to the McMullen and McGloin colony. Ira Westover, Hugh McDonald Frazer, Lewis Ayres, and John White Bower were also San Patricio colonists. Bower, Fraser and Ayres received grants in

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<sup>49</sup> Oberste, *History of Refugio Mission*, 340.

<sup>50</sup> Beckwith, *Early History of San Patricio County*; Henderson, *Minor Empresario Contracts*, 32 Q. 13, and Barker, *History of Texas*, 89.

<sup>51</sup> San Patricio was created a municipality by Decree No. 283, in the latter part of April, 1834, G. L. I, 384.

<sup>52</sup> Oberste, *History of Refugio Mission*, 340. Patrick Quinn and Martin Toole, *Depositions in Welder-Lambert Law Suit*.



that colony, but Westover got his grant in the Power Colony. Westover was uncle to Lucius W. Gates, a Refugio colonist. Bower moved to the Power colony before the revolution and established a ferry on the San Antonio river. Fraser bought land in the colony in 1835. Ayres bought land in the Refugio colony in 1836, and was preparing to change his residence when the war came on. Peter Golden, first husband of Sabina Brown, came to Texas with McMullen's colony, but died before the colonists moved to San Patricio. His widow married James Brown who was at the mission waiting to become a Power colonist. Charles Gillan was another McMullen colonist who died at the mission. His widow, Ellen, married George W. Cash, one of the surveyors of the Power and Hewetson colony. They moved to Goliad. Cash was later massacred with Fannin's regiment."<sup>53</sup>

Father Oberste states that all of the San Patricio colonists had moved within their own *empresa* by November 18, 1830.<sup>54</sup> Probably the bulk had moved by that date, but the testimony of Power colonists reveals that numerous of the McMullen colonists were at Refugio Mission when the Refugio Irish arrived in the colony. As will be seen, many of those who came to Texas with the San Patricio colonists joined the Power colony instead.

Those McMullen and McGloin colonists who eventually settled in the Nueces colony and received land grants therein included

Thomas Adams, Tony Adams, William Anderson, Lewis Ayres, T. Banuelos, Wm. L. Bartels, John White Bower, Maria Brennan, Patrick Brennan, William Brennan, Anna Burke, John Burns, Matthew Byrne, Luciano Cabezos, Bridget Callaghan, John Conway, John Carroll, Mary Carroll, Patrick Carroll, John Clark, James Conner, Pedro Delgado, Festus Doyle, Thomas Duty, Simon Dwyer, Richard Everett, John Fadden, Maria Fadden, Patrick Fadden, Walter Fadden, Martin Finney, Hugh McDonald Frazer, Edward Garner, James Garner, Juan de la Garza, Joaquin Garza, Bridget Haughey, Felix Hart, John Hart, Catalina Hays, Stephen Hays, Richard Hebert, James Hefferman, John Hefferman, Patrick, Thomas, Walter, and Michael Healy, Thomas Hennessey, Patrick Henry, Thomas Henry, Walter Henry, Catherine Herz, John Houlihan, Elizabeth Jordan, Isabel Jordan, Victoriano Juarez, Michael Kelly, Mark Kelly, Maria B. Kiolan, John Logan, Erasmo, Luis and Francisco Leal, ? Mahoney, Dennis McGovern, Edward J. McGloin, James McGloin, John McGloin, Patrick McGloin, John McMullen, C.,

<sup>53</sup> Philip Power, *Memoirs*

<sup>54</sup> Oberste, *History of Refugio Mission*

Juan de Dios, and T. Molino, Fr. John Thomas Molloy, Augustin Moya, J. Moya, Thomas Murphy, Patrick Nevin, Daniel O'Boyle, Edward O'Boyle, John O'Boyle, Michael O'Boyle, Patrick O'Boyle, Roderick O'Boyle, Hugh O'Brien, Edward O'Driscoll, George O'Dougherty (O'Docharty), William O'Dougherty (O'Docharty), Benjamin Odlum, David O'Dem, George Patrick, James Patrick, Jesus de la Pina, Thomas Pew, James Pittuck, Edmund and William Quirk, Luciano Resendez, James Riley, Edward Ryan, John Ryan, Peter Ryan, Simon Ryan, Jose Ma Salinas, Christopher Scanlon, Edward W. B. Scoglin, Jeremiah Scanlon, Peter Scott, Marcelino Seguro, John Turner, Augustin Vernal, Ira Westover, Julian Zavalla.<sup>55</sup>

The Beales and Grant colony is interesting to Refugio for four reasons: (1) the colony landed at El Copano; (2) the first sounding chart of Copano bay was made by Captain Munroe, of the schooner *Amos Wright*, which brought the colony to El Copano; (3) Dr. James Grant, one of the *empresarios* was afterwards one of the leaders of the ill-fated Johnson and Grant Expedition, which came through Refugio; and (4) among the colonists were Francis Welder and his sons, John and Thomas, who in 1836 returned to Refugio County and founded the great cattle ranches now owned by their descendants.

Dr. John Charles Beales, an Englishman, and James Grant, a Scot, had several *empresario* contracts with the Mexican government, to plant colonies in Texas. Later Dr. Beales had individual contracts to colonize *empresas* in New Mexico. The colony of 59 families, which landed at El Copano on December 11, 1833, was brought to Texas under a contract dated October 9, 1832, to introduce 800 families in the territory between the Nueces and the Rio Grande. The 59 colonists sailed from New York on November 11, 1833, on the *Amos Wright*. On December 10 the ship anchored at Live Oak Point; the next day it anchored at El Copano. The colony, after a short sojourn on Copano bay, passed through the villa of Refugio, thence to Goliad, from which place it proceeded to the Rio Grande, on the north bank of which it established the pueblo of Dolores.<sup>56</sup>

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<sup>55</sup> For list of Grants in McMullen and McGloin Colony, see *Abstract of Titled Lands in Texas*, compiled by General Land Commissioner; Vol. LIX of Spanish Archives in Land Office of Texas; *Libro Becerra* (for town lots) in County Clerk's Office, Sinton. *Cases in the Texas Reports relating to McMullen and McGloin, or their Colony:*

McMullen v. Kelso, 4 Tex. 235; McMullen v. Hodge, 5 Tex. 33; O'Docharty v. McGloin, 25 Tex. 67; Carlisle v. Hart, 27 Tex. 350; McGloin v. Vanderlip & Jones, 27 Tex. 366; San Patricio County v. McClane, 44 Tex. 392; Murphy v. Welder, 58 Tex. 235; Town of San Patricio v. Mathis, 58 Tex. 242; Timon v. Whitehead, 58 Tex. 290

<sup>56</sup> Huson, *El Copano*, 2, 6, 16, 17, 18; Henderson, *Minor Empresario Contracts*, 32 Q. 25-26; Kennedy, *Texas*, 390-420; Brown, *History of Texas*, I, 122, 254-259; Holley, *Texas* (Austin's map; Yoakum, *History of Texas*, I, 317; Gonzales v. Ross, 120 U. S. 605, 30 L. Ed. 801. For Indian depredations which ended the Dolores colony see De Shields, *Border Wars of Texas*, 154-156

Dr. Beales left a lengthy diary, copious excerpts from which are contained in Kennedy's *Texas*. Those dealing with Refugio county are reproduced herein, as follows:

"On the 11th of December, the master of the schooner (Mr. Munroe) went ashore, and brought off the captain of the Mexican coast-guard and all his force, consisting of a corporal and two soldiers,—“Had at supper the pleasure of the officer's company who went ashore at 7 o'clock, completely intoxicated. On coming aboard, the military wished to give us a salute, but, unfortunately, only one pistol would go off. We had the mortification of learning, first, that we could not clear the vessel without going to Goliad (La Bahia), a village about 15 leagues distant; and secondly, that nothing could be done until the Collector of the Customs should pay us a visit, and it would be necessary to send an express to him. It was some comfort, however, that the captain of the coast-guard very coolly allowed us to disembark everything without the formality of either entering the vessel or receiving a custom-house officer.”

"Dec. 12th.—Went on shore to select a proper place for pitching our tents, which we arranged to have immediately on the shore, having an oyster-shell beach, and protected by a few bushes. At this time we had a plentiful supply of water in the ponds on the prairie, but it must be observed that, in the dry season, there is no water near this place, and it would be necessary to send a boat for it to Live Oak Point. There was a small half-finished frame-house on the beach, usually uninhabited, but occupied, when there was any vessel in the bay, by the captain of the coast-guard. A party set to work, clearing and levelling the ground, for the purpose of pitching the tents. This business was not completed for two or three days, and while the majority lived in the tents, a great many built small houses, so that our camp at the end of a week presented a very comfortable appearance. The business of disembarking went on very slowly, as the vessel could not approach within four hundred yards of the beach. At last we hit upon a plan which succeeded perfectly; we ran a waggon into the water as far as it could conveniently go, and loaded it from the boat; and then by the aid of long ropes hauled it ashore. This operation lasted five or six days; in the mean while, the people were divided into six watches, and went upon guard regularly, three hours each watch.

"Dec. 15th.—To-day much-expected Collector of the Customs, Don Jose Maria Cosio, made his appearance; and as our vessel is the largest that has entered this port, he brought with him his wife and another lady, as well as an Indian. This visit rather deranged us, as, from the situation he held, he might



give us a great deal of trouble, or the reverse: we therefore roused our cooks, and with some difficulty mustered a tolerable bill of fare, of which the "civilised" part of the expedition partook in the cabin of the schooner. Myself, being an old Mexican, was of course at home, but the rest of the party were rather surprised at observing that the ladies were not yet initiated into the art of cutting their own victuals; and still more so when they took out their cigars and speedily filled the cabin with smoke!—The Collector was an old officer of the army, who had travelled through all parts of the Republic, and possessed a great deal of information. I was highly amused, in my conversation with the Senora Administradora at the tone of contempt in which she spoke of the "poor, out-of-the-world, ignorant village of La Bahia. "Indeed," she observed, "persons who had seen large cities could not live happily in such a banishment;" and then, with quite an air, assured me that she was herself "born and bred in Saltillo!"—The other lady, being a Badina, was of course struck dumb by the superior knowledge of the Saltillena. Fortunately, the afternoon at length passed, and our visitors were escorted on shore.

"Dec. 17th.—The Collector and his family took their leave; the former having behaved in the most obliging manner, positively refusing to have a single article examined. This was indeed a favour, as, although we had nothing that was subject to duty or seizure, still an active examination would have caused us several days' hard work, in opening and closing our trunks, chests, &c. &c. Our little attentions were thus amply repaid. The Indian amused the people very much by his skill in shooting with the bow and arrow. I sent him out to shoot game, and he returned in a short time with a very fine deer, for which I paid him half a dollar.

"Dec. 19th.—The two last days have been exceedingly uncomfortable, blowing fresh from the northward, with heavy rain, so that we were unable to move out of our tents. A servant arrived from La Bahia, with six of my mules and one horse, these being all that remained out of fifteen left there to be taken care of.

"Dec. 20th.—Mr. Power, Captain Munroe, and myself started on hired horses for La Bahia, but after proceeding about three leagues we came to the "Lake of the Mission," and found it so full of water that it was impossible to ford it. We therefore were obliged to turn back, and arrived at the tents a little after dark.

"Dec. 21st.—The same party made a second start for La Bahia, in one of the heavy waggons drawn by the six mules,



taking the horses also by way of precaution. On account of the difficulty experienced yesterday, we took the other road, and found it execrable, the water being up to the animals' knees nearly the whole of the way. With great difficulty we made about six miles, when we stopped at a small elevation which was dry and had a few bushes on it. We quickly kindled a fire, made a good supper, and then went to bed—Mr. Power and myself in the waggon, and the others on the "cold ground."

"Dec. 22nd.—Made an early start, but after struggling through about two miles, the mules could no longer draw the waggon; we were therefore obliged to send them back, while Mr. Power, self, and my servant Marcelino, proceeded on horseback. At about 8 o'clock we arrived in La Bahia, and as I had a letter of introduction to Don Miguel Aldrete, the Alcade, he was polite enough to give us the use of a small house during our stay, where, through the successful foraging of Marcelino, we contrived to be tolerably comfortable.

"Dec. 23rd.—La Bahia, or Goliad, is a wretched village, situated on the right bank of the San Antonio River, about 40 miles from the 'Copano.' It contains eight hundred souls. It is most beautifully placed, having the old ruined church of the Mission on a rising ground in front, and backed by woods on the opposite side of the river. This, with common industry, might be made a very pretty village, as they have an abundance of soft limestone easily worked, and the soil is very fertile; but, from the negligence and idleness of the Mexican inhabitants, the streets are complete ravines. They have no gardens, and the houses are built partly of logs and partly of mud. The inhabitants are, almost without an exception, gamblers and smugglers, and gain their subsistence by those two occupations, and the more honourable one of carting the goods brought to the port by foreign vessels. For this purpose they nearly all possess very fine oxen, to purchase some of which was now my chief object.

"We remained in this village several days, and found the Alcalde very polite and of considerable service to us. We succeeded in purchasing eleven yoke of oxen, at an average price of thirty-two dollars per yoke, and had a great deal of annoyance from the people driving the cattle out of the yard I had hired from them. Of course, as the animals were bought of various persons, they immediately distributed themselves all over the country, putting me to a great deal of expense and trouble to find them again. This trick was played me twice, although I took the additional precaution of hiring men to keep watch.

"On Christmas-eve a grand ball was given by the young men of the place, to which we were invited in due form, and of course

"assisted." The house only consisted of one room, unfortunately without windows. There was a very large attendance of ladies, and we had an ample opportunity of seeing all the "beauty and fashion" of La Bahia. One rather singular custom exists, which is, that when a country-dance, for instance, is called, the gentlemen do not at all concern themselves about partners, but those who wish to dance go and place themselves in their proper places, and when the ladies rise and each one ranges herself in front of the gentleman with whom she chooses to dance. The heat being very oppressive, and no refreshment of any kind, we quickly retired.

"Dec. 30th.—We took our departure from La Bahia, having hired two men to drive the cattle, and proceeded about twenty-eight miles to the Mission del Refugio. This is one of the remains of the very numerous missionary establishments founded by the Spaniards for the civilisation and conversion of the Indians. Like all the rest, it is prettily situated, and like them also, it has gone to ruin. The constant disturbances in this country, since the independence of Mexico, have prevented the government from taking the necessary precautions, or giving the necessary assistance to these establishments. The consequence has been that the savage tribes have, one after another "spoiled" the temples, and driven off the horses and cattle. The "Fathers" have died, or retired to Spain; and the Missions have now become desolate. The present one was destroyed by the Comanches a few years since. There are at present five or six miserable huts, built and inhabited by as many Irish families, brought to this country by the Empresario Mr. Power, who could not properly locate them, in consequence of his disputes with respect to the boundaries of his lands. They obtained permission to remain where they are until Mr. Power could place them properly and give them their titles.

"They have, in consequence, been about five years in this situation, and as they imagined their sojourn would be temporary, they made no improvements, not even cultivating a bit of garden-ground! And now, in the true spirit of their countrymen of the same class, they do nothing but idle about, waiting for Mr. Powers to make his appearance with their "titles." They have, however, several cattle, pigs, and fowls, and candidly acknowledge that they might speedily become independent if they would but exert themselves. We passed the night here, and on the morrow, December 31st, proceeded to the camp. Having to cross the Laguna on our route, we still found so much water in it that we were obliged to strip ourselves and swim our horses across. This, which would have been a formidable undertaking

on this day, either in England or the United States, here was merely an object of amusement. About five o'clock we arrived at "home; . . .—strange as this word would seem thus applied, certainly a slight feeling of that kind was produced when we entered our tents, and were warmly saluted by our comrades.—It being my turn to be on guard at midnight, I had the pleasure of ringing the bell at twelve o'clock, and congratulating the whole of the disturbed camp at the entry of a New Year.

"At the close of the year, I cannot avoid returning sincere and humble thanks to Divine Providence for having protected us from all kinds of danger, and especially disease. Ever since we entered the Bay of Aransaso it has rained almost continually, with violent northers, so that the cold was intense; the water in the tents freezing nearly every night. The people I might say, almost literally, were completely wet through all the time; and yet, unaccustomed as they were to this kind of life, not a single case of illness occurred!

"The year 1834 was ushered in by a "freezing norther," which detained Dr. Beales and his party at their encampment until the 3rd, when they made a progress of two miles from the beach. A farther detention having taken place on the 6th, the Empresario amused himself with grouse-shooting, and had excellent sport.

"The immense number of game on the prairie was astonishing, it appeared like a large preserve. We had in abundance, deer, geese, ducks, grouse, quail, curlews, rabbits, and a few hares."

"On the 7th, the weather being "delightfully mild," they resumed their route—and on the 8th, after encountering much fatigue in getting the waggons through a flooded pass, they encamped on the west side of the Mission lake, pretty well protected by trees and bushes. On the 9th, they had much difficulty in extricating two of the waggons from the slough, the weather being again very cold. They "took leave of this troublesome lake, not without some admiration at the want of energy in the Mexicans, who are constantly exposed to this annoyance, when they might, by a week's work and a few shillings' expense, throw a very good bridge over the stream which supplies the lake, and which is not more than thirty feet across. Indeed we should have ourselves adopted this method, but it would have detained us at least a week, as the timber necessary for the purpose was at some distance."

"From the 10th to the 12th, the party were detained by the illness of Mr. Power, one of their leading members. This gentleman was so much relieved on the 12th, that they were enabled to proceed by placing his bed in a pleasure waggon.



They reached the encampment at the Mission, where fresh meat, milk, and eggs were obtained from the people. The weather, which had been bitter cold, changed to "a beautiful spring temperature." After halting to bring up fractured waggons and stragglers, the Empresario resumed his march and arrived at La Bahia with his party at 12 o'clock on the 16th."

The port of El Copano was the point of entry for several other contingents of Beale colonists. Thomas Herbert O'Sullivan Addicks, secretary to that *empresario*, makes the following statement<sup>56/1</sup> with reference to the activities of this colony in Refugio County:

This deponent further states, that on the tenth of November, eighteen hundred and thirty-three, Beales and himself, as the private secretary of that gentleman, sailed from the city of New York in a (page 23) schooner bound for the Bay of Aransas, in Texas, and chartered by the said Beals, carrying with them seven families, as colonists seven heads of families, who intended bringing out their families in the next year, and twenty-two single men, principally mechanics, all with the intention of becoming settlers in the said River Grant, as colonists thereof. That further, said schooner had on board a quantity of farming utensils and machinery, such as saw mills, horse powers, wagons, &c., besides six months' provision for the colonists; all of which was at the expense and charges of the said Beales, amounting to fully the sum of fourteen thousand dollars. That the above expedition arrived some time in the month of December at the "Copano Landing," in Texas, and proceeding thence through "Goliad," and "San Antonio de Bexar," arrived at the spot previously chosen by Egerton as aforesaid, in the said River Grant on "Las Moras," in the month of March, eighteen hundred and thirty-four, and established the settlement known as "La Villa de Dolores," situated on the above mentioned stream of "Las Moras."

This deponent further states, that the town of Dolores was then laid off by the colonists in proper form—the corner stone of a church and the foundation of a house, for said Beales, laid, and every preparation made for a permanent settlement, houses built, and every precaution taken for defence against Indians, and the cultivation of the soil.

This deponent further states, that in the month of May following, Beales returned from "La Villa Dolores" to New

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<sup>56/1</sup> Memorial of Dr. John Charles Beale and wife Maria Dolores Soto y Saldaña Beales and Anita Exeter, daughter of Maria Dolores, and Richard Exeter, deceased, to the 41st Congress of the United States. Second Session. 1870. Gives history of the Rio Grande Colony and other ventures in Texas of Beales and Grant. Beales a native of England went to Mexico in 1826. Married Exeter's widow in 1830. Thomas H. O'Sullivan Addicks was colonial secretary to Beales. Names of members of ayuntamiento of Dolores. Deposition of Addicks, November 18, 1839 gives history of establishment of La Villa de Dolores on Rio Grande.



York; leaving Egerton, (who had been appointed surveyor to the colony) clothed with full powers for the government thereof, during his absence. The object of Beales' visit to New York at that time, was to bring out more colonists. In the month of October following, letters were received from Beales at New York, informing the settlers of "La Villa de Dolores," that a vessel was to have sailed from New York in the month of August, with emigrants for the colony. On the receipt of these letters, this deponent, under the written instruction of Egerton, proceeded to the Copano Landing, before mentioned, to receive and conduct the emigrants to the settlement of (page 24) Dolores. On arriving at the Copano, this deponent found that the vessel had arrived some time before, and that the intended settlers, some twenty or more, had, by reason of interested and false reports proceeding from the colonists of Power's Colony, that all inhabitants of Dolores had been massacred by the Indians, and if they attempted to go there, the same fate would befall them. This deponent was therefore unable to conduct the colonists to Dolores, and the expenses of the expedition were lost entirely to the undertaker.

Being joined at the Copano by Egerton, this deponent proceeded to the town of Matamoras, to receive expected remittances and advices from Beales. On arriving at Matamoras, funds were procured, and advices received from Beales, that as soon as the ice cleared from the harbor of New York, he was about sending to Live Oak Point another band of emigrants, and that he himself was coming to Matamoras, via New Orleans, to procure oxen for conveying the emigrants from Live Oak Point to Dolores. In pursuance of this advice, Egerton proceeded to Live Oak Point to meet the expedition, and this deponent remained in Matamoras, awaiting the arrival of Beales, who arrived there in March. Upon his arrival, this deponent was dispatched by him express, and on the best and most expensive horses that could be procured, to inform Egerton that the expedition would soon reach Live Oak Point; and after informing Egerton of that fact, he immediately returned to Matamoras, to assist Beales in the purchase of some thirty yoke of oxen, being all that could be procured suitable for the wagons and carts intended to convey the expedition from Live Oak Point to Dolores. This deponent further states, that Beales brought with him to Matamoras his brother and his brother's family, consisting of his wife and child, who came out with a view of becoming, and who actually did become, citizens of Dolores.

This deponent further states, that on procuring the oxen, Beales, his brother and family, and this deponent, proceeded

to the landing of Live Oak Point, to join the expedition, where they purchased more oxen from the colonists, of McMullen and McGlone. Having (page 25) made every necessary preparation, Beales, accompanied by Egerton and this deponent, with three families, five heads of families and ten unmarried men and a military escort, set out with the wagons and carts for Dolores. This deponent further states, that this expedition was accompanied by an agriculturist, employed by Beales, at a salary of one thousand dollars per annum, who was charged with agricultural concerns of the colony; and that, besides provisions for the colonists, they took with them every variety of machinery and mills, with powers for their operation, all of which was procured at the expense of said Beales.

This expedition then started from Live Oak Point for Dolores, with the determination of opening through the wilderness a direct road between the two places, for the use of all future expeditions to the colony. This journey was one of great hardships, labor and privation. A large wagon road was opened by it, through a rugged wilderness, for the distance of three hundred and fifty miles, with immense labor and trouble, and the difficulties which it encountered were much more numerous than the limits of this deposition will permit a description of. After a toilsome march of nearly three months, the expedition arrived at its destination; having the gratification of knowing that they had opened a direct road from Live Oak Point to Dolores, and that all future expeditions would find their progress comparatively easy. In this great expedition the personal labors and privations of Beales were great in the extreme; setting the example of industrious indefatigability, which was sedulously imitated by Egerton and this deponent.

Although they are out of the "jurisdiction" of this history, it might be interesting to note that in 1833-1835 there were two Tamaulipecan colonies projected on the west side of the Nueces, one by Baron Raknitz, a Dutch nobleman, and the other by Benjamin Lundy, an abolitionist editor. The latter, who was the editor of the "Genius of Universal Emancipation," published at Philadelphia, conceived a Texas colony of free negroes. He made three visits to Mexico and on his second, in 1834, broached the subject to the governors of Tamaulipas and Texas and states that his proposals were received with favor by these officials. He visited San Patricio, Refugio, and El Copano and met several men afterwards prominent in the Refugio colony.<sup>57</sup>

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<sup>57</sup> *The Life, Travels and Opinions of Benjamin Lundy*, 62-189

The following excerpts from Lundy's journal ought to be interesting to students of Refugio history.

On *October 21, 1833*, Lundy was in Monclova, and writes (p. 62): "We paid our respects to an Irish gentleman named Joshua Davis<sup>58</sup> who is a merchant in this place and were received by him with kindness and hospitality." *November 5.* (pp. 65-66) Received present of some native grown apples from Joshua Davis. Inspected mills and machinery built by Don Victor Blanco. On Pages 70, 80, 81 and 89 he mentions John McMullen. *December 21.* (p. 81) Reported that eight Mexicans were killed not long since by Indians near San Patricio. *January 10, 1834.* Applied to J. Davis to take a grant in his own name for me. Davis declined. (pp. 87-88) Arranged to accompany Davis on a trip to Matamoros. (88) He saw a band of Lipan Indians in Monclova. (p. 90) Lundy, Davis and two Mexicans leave Matamoros for Texas, where Davis expects to buy some goods, probably at La Bahia. Lundy intended to accompany the party as far as San Patricio, then return to Matamoros. *January 26, 1834* (p. 92) The Lundy party encamps on the *hacienda* of Don Jose Miguel Vidaurri, on Salado river. He is uncle to the governor. His house was built in 1740. *February 11* (pp. 101-102) Arrives at San Patricio. Hears that Dr. Beales has landed his colony at El Copano.

"I called today on an old gentleman, at San Patricio, by the name of O'Brien, who came out with me from New Orleans to Brazoria in the schooner *Wild Cat*. He and his youngest daughter were all who reached this place, out of ten persons I left at Brazoria, intending to come on. Of the rest five died of the cholera, one became insane, and the other two went back to New Orleans or elsewhere . . . At the request of my friend O'Brien, I concluded to lodge with him tonight. His daughter made a dish of tea, which was the first I had seen for a long time.

"*February 12.* Instead of proceeding to Matamoros (sic), at present, I concluded to go on with Davis to Aransas Bay, which is fifty or sixty miles to the North Northeast from this place. A French gentleman from La Bahia (or Goliad) joined us, and we went on ahead of the muleteers. We were now in Texas, The land for most of the day was level. We found very large plains, covered with nothing but grass, but near the streams there was a good deal of live oak. At near sunset we camped out, as usual.

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<sup>58</sup> Joshua Davis became a Power colonist and had a large grant on San Antonio river at *Mesquite Landing*. He was one of the *regidores* of the *ayuntamiento* of Refugio, and witnessed many of the colonial grants.



"February 13. Having crossed the Aransas river, and passed over a tract of land, which in some places was very sandy, we reached the river of the Missions, and soon after came in view of the church, near which we encamped. This is an old Spanish mission, but at present there is no religious establishment kept up. There are here half a dozen Irish families, most of whom are recently from Philadelphia.

"February 16. Having laid by yesterday, and the day before, I concluded to go on to Aransas Landing with Davis, who expects to purchase goods from two vessels from New Orleans, which are lying there. We find our French companion a clever and intelligent man, and possessed of an intimate knowledge of this part of the country. He is an excellent hand at making encampments comfortable. He formerly resided in Philadelphia, afterwards at La Bahia, Texas, and is now about to settle in the village of Buenaventura, near Monclova.<sup>59</sup>

"The collector of revenue for the port of La Bahia<sup>60</sup> came today, with his wife and attendants, and passed some time with us. He made a seizure of a portion of the clothing brought by a settler from Illinois, named Peter Hynes, who came here with his family—the quantity being greater than the law, as construed by the collector, allows. Hynes made great complaint of this treatment.

"About mid-day we set off, and travelled several miles to the "*Copano*," or Aransas Landing. The soil on our way was dark and rich, but much of it's too level and too wet to be desirable. The Aransas is a very beautiful bay, abounding with oysters of a fine flavour.

[Chapter XIV] "Finding that the two vessels before mentioned were going soon to New Orleans, I concluded to take passage thither in one of them, viz: the Philadelphia, Captain Lambert, and to return thence, either to this place or to Matamoras. There being some unanticipated delays, I was obliged to remain at the "*Copano*," or Aransas Landing, for twelve days, viz: till February 27th.

"I saw there some emigrants, mostly Irish, going to the colonies in the interior. There were also about twenty Indians, men, women and children, of the Karaunkaway [sic] tribe. On one occasion these Indians brought in a fine deer, and sold it to a merchant, for two bottles of whiskey, a pound and a half of poor tobacco, and three or four hard biscuits [sic]. They seemed pleased with their

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<sup>59</sup> This was probably Marcos Marchand, who became a Power colonist. When he sold his grant after the Revolution he was living at Buenaventura, near Monclova, Mexico.

<sup>60</sup> Jose Miguel Aldrete, was the collector. He became a Power colonist.



bargains and were very friendly. On the 20th, Capt. Holden, of the schooner *Dart*, shot a pelican which measured seven and one half feet between the tips of the wings. On the 22d J. Davis set out, with the goods he had purchased, to return to Monclova.

"February 27. We hoisted sail, on board the *Philadelphia*, at 3 p.m. and got under way. We had much difficulty in finding the channel, as there are bars of sea-shells [submerged shell reefs], on either hand. It took us three days, or till March to reach the bar at the mouth of the bay [Aransas Bar]. There we lay eleven days more, or till March 13th, on account of stormy weather and unfavorable winds, which prevented our going through the inlet and proceeding to sea . . . While we were lying in the bar, the schooner *Wild Cat* came in from New Orleans. I went on board of her, and found some newspapers from New York and New Orleans, which contained the first intelligence from home that I had received for several months. I had some talk with the captain and found him to be one of Austin's *roarers* [advocates of Texas being made a separate state from Coahuila]"\*



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\* On Lundy's third trip to Texas, in summer of 1834, he went to Mexico by way of Bexar. On August 8, he met Colonel Almonte at San Felipe, and gave him a letter of introduction from Adolphus Sterne. On August 27, he again met up with Almonte and part yat Bexar. He accompanied the Almonte party to Mexico. Edward Gritton was Almonte's companion on this trip. Lundy met George Fisher at Matamoras, and also became acquainted with Richard Pearce (Pearse), who he describes as a Spanish scholar and "quite a literary and scientific man, as well as a man of business," and a graduate of an Eastern college, and afterwards principal of an academy. In 1832 Pearce was appointed United States Consul for Matamoras, but the appointment was revoked for political reasons, he says. Pearce had a home a mile or so out of Matamoras. Pearce later became a citizen of Aransas City.

NOTE. McMullen & McGloin Colonists who afterwards became citizens of Refugio County include: John White Bower, John Clark, Festus Doyle, Hugh McDonald Frazer, some of the Harts, John D. Logan, some of the O'Boyles, Edward O'Driscoll, David Odem, some of the Scotts, and Ira Westover.

## CHAPTER VIII

### POWER & HEWETSON IRISH COLONY

#### PART ONE



ON SEPTEMBER 29, 1826, James Hewetson, describing himself as a Mexican citizen by law and an inhabitant of Monclova, applied to the Governor of Coahuila and Texas, on behalf of himself and James Power (described as a foreigner and a native of Ireland), for permission to colonize the ten littoral leagues of Texas between the Nueces river and Lavaca creek, and between the Trinity and the Sabine rivers, and also the twenty border leagues adjoining the United States, and extending forty leagues up the Sabine river. The applicants proposed to introduce within these areas four hundred families of good moral character and of the Catholic religion, half of whom should be native Mexicans and half natives of Ireland.<sup>1</sup>

It will be remembered that the General Colonization Law of Mexico provided that no lands lying within the area covered by said application could be colonized without previous approbation of the General Supreme Executive Power.<sup>2</sup> At the time Hewetson presented his petition none of the littoral or border leagues had been permitted to be colonized by anyone, with the sole exception of Austin's first colony. Austin's colony included the littoral leagues between the Lavaca and the Trinity; however, it had been conceded several years prior to the enactment of the colonization laws in force in 1826. The reasons for the restriction of colonization in the littoral and border leagues are obvious. Mexico feared the encroachment of the Colossus of the North on her eastern border and was apprehensive of the coast falling into enemy hands. It followed that the power which controlled the coast controlled Texas. Yet Mexico was really desirous of developing Texas. The idea of a colony composed of native Mexicans and native Irish, whose devotion to the common religion could not be questioned and whose independence of American policies was taken for granted, was one quite likely to appeal to the Supreme Power of Mexico.

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NOTE: For a more detailed treatment of this subject, and, in some respects, a more accurate one, see Oberste, *Texas Irish Empresarios*, in press, 1953.

<sup>1</sup> Hewetson to Governor, *Application*, September 29, 1826, Tr. Emp. Cont. General Land Office; also recorded Refugio County Deed Records, Vol. 45, pp. 637-647.

<sup>2</sup> *General Colonization Law*, August 18, 1824 (Art. 4), G. L. I, 97-98; *Colonization Law of Coahuila and Texas*, March 24, 1825, G. L. I, 99-106; *Instructions to Commissioners*, Decree No. 9, September 4, 1827 (Art. 5) G. L. I, 180-184.

Although the only Irish colonies actually settled in Texas were those brought by Power and Hewetson and McMullen and McGloin, the idea of settling Texas with Irish Catholics was not original with those empresarios. As early as 1800 Father John Brady, a Carmelite, then residing in Louisiana, sought permission of the viceroy to move to Texas. His petition being supported by letters of recommendation from high sources, the request was granted.<sup>3</sup> Whether he availed himself of the privilege is obscure, but in 1804 he and one Bernardo Martin Despallier, also of Louisiana, applied to the Spanish government for permission to settle 1,500 Catholic families in Texas and requested also that a port be opened for the proposed colony. Governor Elguezabel was favorable to the proposition and suggested to his superiors that such a colony might be suitably located on the Guadalupe river near the coast. The proposal was finally approved by the Spanish authorities, but Father Brady "withdrew from the enterprise," and his partner failed to put it through.<sup>4</sup> The colonists proposed to be introduced by Brady were to be French creoles of Louisiana, whom he represented as being dissatisfied with American rule.

In 1822 Tadeo Ortiz de Ayala presented to the Mexican government a plan for colonizing Texas with Irish and Canary Islanders. He obtained authority to make the experiment. He planted a colony on the Goatazocoalco river, with such success that he was thereafter considered an authority on the subject of colonization.<sup>5</sup> In later years he seemed to have changed his mind as to the desirability of Irish as colonists, as we shall presently see.

From what has been said, the proposal of Power and Hewetson was as bold as it was pretentious and was one which required gravest reflection on the part of the Mexican officials. Nor was opposition from outside sources lacking. Stephen F. Austin, as has been said, had been apprized, no doubt, of the intention of the Irishmen to seek this rare concession; and he undertook to anticipate them. Accordingly, on June 5, 1826, he addressed the governor on the subject of the necessity of annexing additional portions of the littoral leagues to his pre-existing colonies.<sup>6</sup> Colonel Austin at that time stood in high favor with Mexican officialdom, and any wish of his was given preferred consideration. Then, too, Martin de Leon exerted great influence in governmental circles, and he

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<sup>3</sup> Castaneda, *Catholic Heritage*, V, 228

<sup>4</sup> Castaneda, *Catholic Heritage*, V, 297-302; *Lamar Papers* IV, pt. 1, 283

<sup>5</sup> Kelly and Hatcher, *Tadeo Ortiz de Ayala and the Colonization of Texas, 1822-1833*, 32 Q. 74

<sup>6</sup> Austin to Governor, June 5, 1826, *Austin Papers*, I, 1353

was opposed on principle to the extension of Nordic colonization in Texas. Furthermore, the interests of De Leon were directly involved in the proposal, as he contended that his colony projected into the littoral leagues.

The application of Power and Hewetson, together with the detailed report and recommendations of the state authorities, were in due time transmitted to the Supreme Executive Power for determination. There the matter remained until April 22, 1828, when the application was approved insofar as it related to the littoral leagues between the Lavaca and Nueces rivers.<sup>7</sup> The record was then referred back to the Coahuiltexian authorities for such action as they might choose to take within the limits of the Federal approbation. The state authorities at this stage appear to have become more conservative, as the contract which they agreed upon would indicate.

On June 11, 1828, the State of Coahuila and Texas, acting by Governor Jose Maria Viesca, and James Power and James Hewetson, acting by their agent, Victor Blanco, entered into the following contract, which restricted the area to be colonized, to that lying between the Guadalupe and Lavaca rivers:

City of Leona Vicario, this eleventh day of the month of June of the year One thousand eight hundred and twenty-eight. The citizen Victor Blanco, having presented himself with the foregoing power of attorney, the original of which, is hereunto annexed, to contract with the Government, in the name of his principal, the conditions and manner upon which the Colony he solicits, may be established, a contract was entered upon the terms and stipulations expressed in the following articles.

*Art. 1st.* Taking for granted the approval of the Supreme Government, for the establishment of this enterprise, as appears by a resolution passed April 22d, last past. This Government admits the project offered by Mr. James Hewetson, and Mr. James Power, so far as it is in accordance with the colonization law of the State, of 24th March, 1825, and hereby designated the Territory, within which they are to colonize, by the following boundaries. Beginning on the left bank of the river Guadalupe, at the angular point, where it empties into the sea. Thence following the line of the Sea coast Eastwards, to the mouth of LaVaca Creek; thence with the right bank of this creek, the precise distance of Ten Leagues; Thence a line shall be run Westwards, parallel with the Coast, on a border of Ten leagues, until it meets the river Guadalupe, and thence downwards, on the left bank of this river, to the place of beginning.

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<sup>7</sup>Canedo to Secretary of State and Home Affairs, April 22, 1828, *Tr. Emp. Cont. General Land Office, Refugio County Deed Records*, Vol. 45, pp. 637-647



*Art. 2d.* The Empresarios are bound to introduce, at their own expense, into the Territory and settle upon the land, above described, Two hundred families, in lieu of the four hundred, they have offered, and it is an express condition, that one half of this Colony, must be composed of Mexican families, and the other half foreigners from Ireland.

*Art. 3rd.* All possessors with legal titles, which may be found within the limits designated in Art. 1st, shall be respected by the Colonists, of this Contract, and it is obligatory on the Empresarios to see this duty executed and fulfilled.

*Art. 4th.* It is an express condition, that where any lands may by their locality, and other circumstances, be useful or advantageous for the Construction of Forts, Wharves, or Warehouses, for the defence of the Port, or other public purpose, the Empresarios shall have no right to prevent the occupation of any such desirable points, which may be adaptable to public use, either as above mentioned, or not herein expressed.

*Art. 5th.* In conformity with the law of 24th March, 1825, the Empresarios are bound to introduce, and establish, the two hundred families, spoken of in Art. 2d, within the term of six years, from this date, under the penalty of forfeiting the rights and privileges granted to them by said law.

*Art. 6th.* The families besides being Catholics, as required by law, must be of good moral habits, accrediting the same, by certificates from the Authorities of the place from whence they emigrate.

*Art. 7th.* It is obligatory on the Empresarios neither to introduce, or permit in their Colony, Criminals, Vagrants, or men of bad character. They will cause all such as may be found, under any of these circumstances to leave this district, and in case of resistance, eject them by force of arms.

*Art. 8th.* For this purpose and whenever there may be a sufficient number of men, the National local Militia shall be formed, in strict conformity with the regulations provided by law.

*Art. 9th.* Whenever One hundred families at least may have been introduced, the Empresarios will notify the Government of the fact, in order that a commissioner may be sent, to the Colonists, to give them possession of their lands, and to establish the Towns according to law, and to the instructions which will be given him.

*Art. 10th.* The individual applications of the New Colonists for lands, and the premium lands granted to the Empresarios being completed, those lands remaining, can only be disposed of by the Government, as provided by law.

*Art. 11th.* The official communications with the Government and with the State authorities, and all public acts and instruments of writing must be written in the Spanish language.

*Art. 12th.* In all matter not expressed in the foregoing articles of contract, the Empresarios and the New Colony shall be subject to the constitution and general laws of the General Government, and to the constitution and laws of the State.

And His Excellency the Governor and the Attorney for and in the name of the Empresarios, having mutually agreed to all and each one of the articles of this present contract, they reciprocally bound themselves to the punctual fulfillment of the same, before me, the Secretary of State, signing the same in testimony thereof, and the original documents remaining in the Archives of this office, a certified copy of all of them was ordered to be given to the parties interested for their security.

Leona Vicario, 11th June, 1828.

Jose Maria Viesca

Victor Blanco

Juan Antonio Padilla

Secretary of State of the State of Coahuila & Texas.<sup>3</sup>

Not only was the area of the *empresa* reduced to a small fraction of what the *empresarios* had confidently expected to receive, but the contract immediately provoked bitter controversy and outspoken denunciation. Martin de Leon protested that the concession infringed his prior rights. The public criticism and denunciations made by outstanding Mexican leaders threatened not only to extinguish the two Irish colonies before they became actualities, but to extinguish all other Nordic colonies (with exception of Austin's and DeWitt's) as well.

On March 10, 1828, General Manuel Mier y Teran arrived in Bexar en route to the Sabine, where he was to adjust boundary disputes with the United States. This eminent Mexican had been secretly commissioned by his government to observe conditions in Texas and make confidential reports thereon. He remained in Texas for a year, returning through La Bahia to Matamoros. He explored or inspected most of the important sites in Texas and probably visited Refugio Mission and Live Oak Point. Upon his return to Mexico he recommended that Texas be garrisoned with convict-soldiers, and that new forts be erected at strategic places, including Lipantitlan, on the Nueces, La Bahia, Victoria, and Aranzazu, on Live Oak Point. As a result of his report the famous decree of April 6, 1830,

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<sup>3</sup> *Empresario Contract with Power and Hewetson*, June 11, 1828, Tr. Emp. Cont. General Land Office, Refugio County Deed Records, Vol. 45, pp. 637-647

was enacted by the Mexican Congress. In 1829 Teran was appointed Commandante of the Eastern Internal Province of Mexico (including Texas) and moved his troops into Texas in 1830.<sup>9</sup> He strengthened the garrison at La Bahia and built the mud fort at Lipantitlan and for a time maintained a garrison at Aranzazu and possibly one at the south end of St. Joseph's Island. Bancroft says,

... Simultaneously with the promulgation of the law, Manuel Mier y Teran, who had been appointed commandant general of the national forces in the estados de Oriente, was instructed to proceed to Texas with a sufficient force and carry its provisions into effect, as well as to establish inland and maritime custom-houses. Accordingly he entered the department with the 11th and 12th battalions of regular infantry, the 9th regiment of cavalry, the presedial companies, and the militia of the three estados de Oriente, supported by some artillery. A military despotism was soon inaugurated. Austin, DeWitt, and Martin de Leon were recognized, all other concessions being suspended till the contracts had been examined and their fulfillments verified; titles were denied to a great number of settlers already domiciled, and incoming emigrants from the United States were ordered to quit the country on their arrival. . . .<sup>10</sup>

In 1830 Tadeo Ortiz de Ayala (who had proposed an Irish Colony in 1822) submitted to the Mexican government a plan to settle the 20 border leagues adjoining the United States and "all of the sea shore from Bahia de Sabinas to the Rio Grande" (the 10 littoral leagues) with Swiss and Germans. In 1832 he appears to have visited Texas. On February 2, 1833, he transmitted to the Secretary of Relaciones an extensive report on Texas and recommendations as to colonization and internal administration. Of the two Irish colonies he has to say<sup>11</sup>

Since the fundamental interests of the Mexicans and the orders of the Union are involved, it seems to me that it also would be well to examine into and in part correct the concession granted to the Irishmen Power and Hewetson which was agreed upon unwisely and without reflection. It comprises all the extensive coast that stretches from the port of Matagorda to that of Corpus Christi. It embraces in its center the port called Copano

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<sup>9</sup> Wharton, *Texas Under Many Flags*, Vol. I, pp. 181-188 (excellent); Barker, *Texas and Mexico, 1821-1835*, 52-64; Howren, *Causes and Origin of the Decree of April 6, 1830*, 16 Q. 378; For biography of General Teran, see Morton, *Life of General Don Manuel de Mier y Teran*, 46 Q. 22

<sup>10</sup> Bancroft, *North Mexican States and Texas*, Vol. 2, pp. 113-117; Kenedy, *History of Texas*, 365-366

See Stephen F. Austin's editorial in the *Texas Gazette*, July 3, 1830, giving favorable interpretation to the Law of April 6, 1830, and Teran's administration, *Austin Papers II*, 437-440

<sup>11</sup> Kelly & Hatcher, *Tadeo Ortiz de Ayala and the Colonization of Texas, 1822-1833*, 32 Q. 74, 152, 222, 311 (337)



since 1828. The six years fixed by the contract are now expiring. Besides they have stirred up disputes and opposition from the citizens of the old town of La Bahia and of the only colony of Mexicans in Texas which is directed by Don Martin de Leon, who claims part of the territory that these Irishmen insist upon, one of these men has arrived in company with the commissioner of the state to take possession of it. The Mexicans have opposed this. Public tranquility is endangered because they have demanded certain rights which the general government has recognized through the representation of its commissioner, but which have been denied and condemned by the legislature and the government of the state. Since the interest of the legally settled Mexicans and the orders of the government of the Union are involved, it seems to me that it would be well to examine into and to reject the grant in part. The general government should reserve for itself the right to settle the three ports included therein, for they will be of great importance to the nation.

The grant to McMullen and McGloin, also Irishmen, lies between Bahia, Bexar and the Nueces River. It is very large and occupies one of the richest sections of Texas. Since it happens that the time for their contract is about to expire, they can count now only upon certain lazy Irish families from the United States. Notwithstanding the fact that they have secured an extension of time, I am assured that these empresarios will not fulfill their contract for lack of resources and enterprise. These two Irish colonies are at variance with each other, because of disputes over lands. In case the last named does not materialize, it is already promised to Diego Grant, a Scotchman. For this reason, I would not hesitate to urge its annulment and its adjudication to the Federation.

Ortiz was eventually appointed National Colonization Commissioner and in 1883 began his work by going to the United States. He died at New Orleans of Cholera on October 18. It is interesting to note that on August 14, 1833, he petitioned the government to grant him ten leagues of land along the gulf coast as well as the island of Bergantine, off Matagorda Bay, or Saint Joseph's, in Aransas Bay, "so that he might not be a burden upon the nation in his old age."<sup>12</sup>

Almost a year had elapsed since their *empresa* had been conceded to them, and Power and Hewetson saw that, with De Leon's controversy confronting them, they could make no progress. Therefore, on March 13, 1829, Hewetson represented to the governor that the area which had been granted theretofore was too small a one within

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<sup>12</sup> Kelly & Hatcher, *Tadeo Ortiz de Ayala*, 32 Q. 338, 343



which to settle 400 families and entreated that he and his partner be granted an augmentation to include the littoral leagues from the Guadalupe to the limits of the State of Tamaulipas (Nueces river).<sup>13</sup> In order to strengthen their position, Power had become a naturalized Mexican citizen on February 6, 1829.<sup>14</sup>

The memorial was granted; and on April 2, 1829, a contract was made augmenting the concession of June 11, 1828,<sup>15</sup> in the following form and manner:

In the City of Leona Vicario, on the second day of the month of April of the year One thousand eight hundred and twenty nine;

The Citizen Mariano Grande having presented himself with the foregoing power of attorney, the original of which is annexed to this file of documents, to agree with the Government in the name of the citizens James Power and James Hewetson, on the manner and terms, by which they are to effect the augmentation of land, they applied for, in their Memorial of 13th of March last, can be effected, which augmentation, this Government has agreed to, and in as much as it is so ordered by the General Government, in its resolution of 22d April 1828, which in original, appears in these documents, they have agreed to the following stipulations and conditions:

1st. The boundaries of the land to be added to that already contracted for, with the Government, dated 11th June 1828, is to be augmented for the present: Beginning on the bank of the river Guadalupe, at the point where those of the first contract commenced, thence on a line parallel with the coast to the river Nueces, the boundary recognized between this State, and the State of Tamaulipas. Thence down the left bank of the said river, to its mouth, where it disembogues into the sea. Thence upwards with the coast to the mouth of the river Guadalupe, and thence up this same river to the point where these boundaries began, they comprising the Ten leagues of the coast border and no more.

2d. The Empresarios shall receive the land, as an augmentation to the aforesaid contract made on the 11th of June, alluded to, in the foregoing article, and as such, shall be subject in its adjudication to the same requirements, agreed upon, in that contract, which must be punctually observed by the aforesaid Empresarios.

And His Excellency the Governor, and the Attorney in the name of the Empresarios, having mutually agreed to the stipula-

<sup>13</sup> Hewetson to Governor, *Memorial*, March 13, 1829. Tr. Emp. Cont. General Land Office. *Refugio County Deed Records*, Vol. 45, pp. 637-647

<sup>14</sup> Decree No. 75, *Naturalization of Power*, February 6, 1829. G. L. I, 223

<sup>15</sup> *Contract of Augmentation*, April 2, 1829. Tr. Emp. Cont. General Land Office, *Refugio County Deed Records*, Vol. 45, pp. 637-647

tions contained in the contract reciprocally bind themselves, to its faithfull fulfillment, and signed the same before me, the Secretary of State in testimony thereof.

The original file of documents remaining in the Archives, it was ordered that a certified copy of it be given to the parties interested, for their security, and the purposes therein contained.

Jose Maria Viesca

Jose Mariano Grande

Santiago del Valle,

Secretary.

The choice morsel was soon discovered to contain bitter with the sweet. The augmentation immediately involved the *empresarios* in a triangular difficulty, which eventually made the venture a loss to the contractors. The points of the controversial triangle were (1) the irascible Martin de Leon, who this time had a just cause of grievance, inasmuch as a part of his town of Victoria fell within the augmentation; (2) the *ayuntamiento* of Goliad, which was apprehensive that the concession invaded its ancient territorial jurisdiction and infringed the rights of numerous of its citizens who had either already received, or were hoping to receive, grants of land then in their possession; and (3) the claimants and occupants of lands which had theretofore appertained to the extinguished Goliad and Refugio missions.

Most of the claimants or occupants of the mission lands were Spanish and Mexican residents of the Goliad-Refugio-Victoria area,<sup>16</sup> some of whom claimed to have been in possession since 1810. However, some of the lands were claimed by outsiders, among them being Juan Martin Veramendi, of Bexar, who the next year was appointed lieutenant-governor of Coahuila and Texas and who, upon the death of Letona, in 1832, became governor of the state. Veramendi is of interest to Texas histsophiles as being one of the commissioners who met Stephen F. Austin in 1821 and as being the father-in-law of James Bowie.<sup>17</sup> Veramendi had received title in 1822 or 1823 to six leagues of the Refugio mission lands, in a distribution made at Bexar of lands belonging to secularized or extinguished missions. Jose Antonio Navarro was commissioner who assisted in the

<sup>16</sup> Cases in which Refugio Mission lands or prior grants involved:

*White v. Holliday*, 11 Tex. 606, 20 Tex. 679; *Hamilton v. Menefee*, 11 Tex. 718, 32 Tex. 495; *Musquiz v. Blake*, 24 Tex. 461; *Word v. McKinney*, Adm. 25 Tex. 258; *Holliday v. Cromwell*, 26 Tex. 188, 34 Tex. 464; *Luter v. Mayfield*, 26 Tex. 325; *Teal v. Sevier*, 26 Tex. 516, 33 Tex. 78; *Sabriego v. White*, 30 Tex. 576; *Galan v. Town of Goliad*, 32 Tex. 776; *Weir v. Van Bibber*, 34 Tex. 227; *Holliday v. Harvey*, 39 Tex. 671; *Blow & Morris v. De la Garza Heirs*, 42 Tex. 232; *Teal v. Terrell*, 48 Tex. 491; *Bass v. Sevier*, 55 Tex. 561. See Chap. IV ante and page 161, post, for names of occupants.

See also recitals in colonial grants in Refugio and Goliad counties with regard to prior possession and efforts to obtain titles before the Power and Hewetson colony.

<sup>17</sup> Chabot. *With the Makers of San Antonio*, 242-244

distribution.<sup>18</sup> The *ayuntamiento* of Goliad had itself undertaken to make grants to its citizens or *amigotes* of mission and other public lands.<sup>19</sup> This it had done and was doing without a vestige of lawful authority. These *ultra vires* acts gave the holders of quondam titles thereunder basis for contention and argument, and a scintilla of claims to priority. Last but not least were the claims of the Indian families who had remained faithful to Refugio mission to the last and were still living on its former lands. A list of these families was attached to the orders pertaining to sale of the Mission's physical properties, discussed later; but this list has become lost. Father Oberste states that at the time of the secularization there were twelve Karankawas with their chief attached to Refugio and with them were eight Cocos, two of them pagans.<sup>20</sup>

The first angle to be disposed of was the right of the *empresarios* to the mission lands. On April 21, 1830, Power and Hewetson addressed the governor on the subject, requesting an adjudication of their rights in connection with lands of extinguished missions lying within their *empresa*. In the same petition they asked authority to establish the capital town of their colony at the site of the Mission of Refugio.<sup>21</sup> This memorial reads as follows:

Executive Department,  
Free State of Coahuila and Texas.  
Most Excellent Sir.—

Citizen James Power, most respectfully represents to your Excellency, that Empresario, in conjunction with citizen James Hewetson, to settle, (with the previous approbation of the General Government) in the Department of Texas; I contracted in April 1829, with your Excellency, for lands within the coast border leagues, from La Vaca Creek, to the river Nueces, and Ten leagues in *breadth*, and having been informed that a part of lands of the Mission of Refugio are included in these limits, with the view to obviate any difficulty and prevent mistakes which may arise, through the decree issued by Your Excellency in consequence of my former petition, I pray that your Excellency may be pleased, to expressly declare, that no lands within the Ten Coast border leagues, herein referred to, shall be considered as appertaining to the Mission, except those held by bona fide

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<sup>18</sup> Navarro's testimony, *McMullen v. Hodge*, 5 Tex. 33; see *McGehee v. Dwyer*, 22 Tex. 436

<sup>19</sup> Refugio and Goliad Deed Records show many titles attempted to be issued by the *ayuntamiento* of Goliad between 1826 and 1834.

<sup>20</sup> Oberste, *History of Refugio Mission*, 324

<sup>21</sup> Power to Viesca, *Petition*, April 21, 1830. Tr. Emp. Cont. General Land Office; *Refugio County Deed Records*, Vol. 45, pp. 637-647. See letters of Power and Hewetson to Governor, dated June 6, and July 3, 1830. Tr. Emp. Cont.

and original titles, given at the time the Mission was founded, leaving no room for claims to be set up, for those lands, under any other species of document, of any kind or nature whatever, and likewise, that Your Excellency will be pleased, to grant permission to me, to found a Town out of the Four hundred families, I have to bring into the said Department of Texas, at the same place formerly occupied by said Mission, the members of it having dispersed, and it being deserted, and in a state of almost entire delapidation, obligating myself to pay the amount of the value, of the few remaining buildings, according to the judgment of appraisers, and in conformity with the 35th Article of the colonization law, and to indemnify the persons, who may prove to be the owners of these deserted leagues, for the value of them. The site which I have indicated, and which I pray Your Excellency to consent to, for the location of the Town, is peculiarly eligible, and evidently advantageous, for the purpose, besides which, there is no other place within the district I have to settle, adapted for a Town.—I therefore pray Your Excellency will be pleased to decree favorably to this my petition, Wherein I shall receive favor.

Leona Vicario, 21st April, 1830.

James Power

On the same day Governor Viesca made the following order:<sup>22</sup>

Leona Vicario, 21st April 1830.

The foregoing petition presents two points, which the Petitioners request the Government to determine upon; as regards the first, the Government decrees that no lands shall be considered as appertaining to the Mission of Refugio, except those, which are covered by bona fide original titles, and without this requisite, or some other equally valid in its nature, presented by an individual, community or corporation, to accredit their right of property, the lands will belong to the respective contracts of colonization, which have been already made, according to the limits prescribed in them, or to the vacant lands of the State; and also to the second, the petitioner will request, the Political Chief of the Department of Bexar, to report as to the public or general benefit, which may result by establishing the Town at the place referred to.

Communicate this decree to the party interested, that he may make such use of it as may suit his purposes.

Viesca

Santiago del Valle, Secretary

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<sup>22</sup> Viesca to Power & Hewetson, *Order*, April 21, 1830, Tr. Emp. Cont. General Land Office, *Refugio County Deed Records*, Vol. 45, pp. 637-647



This copy of the original on file in the Archives of the Secretary's Office, in my charge, was taken by order of His Excellency the Governor.

Leona Vicario, 8th April, 1831

(Signed) Santiago del Valle, Secretary

Although the project of founding a *pueblo* at the site of Refugio Mission had thus received executive approval, it was thought that any doubt as to the Governor's authority should be removed by legislative enactment.<sup>23</sup> Accordingly, on April 29, 1831, the state congress enacted a decree authorizing the executive to alienate the lands that pertained to the extinguished missions, conforming in so doing to the colonization law of 1825. The town property or securities that pertained to said missions were required to be sold at public auction according to law.<sup>24</sup>

Governor Letona, on May 25, 1831, issued the following instructions with regard to the mission lands and properties:<sup>25</sup>

#### Executive Department

#### Free State of Coahuila and Texas.

In view of the decree No. 177 of the Honorable Congress of the State, authorizing the disposal of the lands, and sale by auction, to the highest bidder, of the Town property belonging to the extinct Mission of Refugio, and in consideration of the solicitations made to the Government by the citizens James Power, and James Hewetson, and also of the reports which your Honor has made on the same subject, under date of the 6th June and 3rd July of the past year 1830, and of the documents on file in relation to this matter, I have thought proper, in order that the said law should be better understood, to issue the following instructions.

- 1st. Each of the families, or single persons, whose names appear on the annexed list, and belonging to the Mission of the Espiritu Santo, shall receive the quantity of lands, to which they are entitled, according to the provisions of Art. 14 and 15 of the Colonization law of the State, which land shall be given to them, within the area, which appertained to said Mission, and so apportioned to those families, and individuals, as to intermix them with the other settlers, giving them to understand that they are bound to cultivate it, in strict conformity with the law aforesaid.
- 2d. To each of the families or single persons above mentioned, a yoke of oxen, or bulls, with the necessary farming utensils,

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<sup>23</sup> Power and Hewetson, to Governor, June 6, July 3, 1830. Tr. Emp. Cont.

<sup>24</sup> Decree No. 177, Coahuila and Texas, G. L. I, 292.

<sup>25</sup> Letona, Order, May 25, 1831. Tr. Emp. Cont. General Land Office, *Refugio County Deed Records*, Vol. 45, pp. 637-647

will be given to them gratis, by the citizens Power and Hewetson, who have voluntarily engaged so to do, as contractors for the Colony, the area of which embraces the land heretofore known as lands of the Mission of Refugio.

3d. The parties receiving the Oxen or bulls, shall not kill or sell them, and should they at any time alienate their lands, the animals aforesaid, shall, if still in existence, be returned to the Empresarios, nevertheless understood, that, should they have died or have been lost in their service, they shall not be bound to replace them.

4th. The said Empresarios are obligated to receive into their Colony, all Mexican families, who may present themselves as settlers, provided they possess the necessary qualifications, and therefore, the inhabitants of Goliad, and others, who have applied to the Government for lands, at that point, can present themselves to the Empresarios, aforesaid, who shall receive them, as settlers, to be included in the number of families they have contracted for.

5th. As it appears by the information already referred to, that the point most eligible for the establishment of the Town or City of the colony, of Power and Hewetson, is that which has been occupied by said Mission of Refugio, that place is designated, as the site for the town, provided no other spot should be found better adapted to the purpose, in conformity with the provisions of Article 34 of the colonization law, and therefore the Town property still existing, will be sold to the highest bidder, in the manner and on the terms prescribed by Article 2 of Decree 177, as aforesaid.

6th. The amount of the proceeds of sales of the Town property, aforesaid, whether in specie, or in drafts payable at sight, will be delivered over to the Judge, whose jurisdiction it is to preside at the sale, so that it may be paid into the Treasury of the State, without delay. God and Liberty.

Leona Vicario, 25th May 1831

(Signed) Letona

(Signed) Santiago del Valle,  
Secretary

The *empresarios* satisfied the Indians of Refugio Mission, apparently by providing them with teams, carts and implements, and giving them exclusive use and possession of a considerable tract of land in the neighborhood of Goliad. The latter, of course, did not improve existing relations with the *ayuntamiento* of Goliad.

The claims of most of the local Spanish and Mexican settlers

were satisfied without great difficulty or delay. Under the *empresario* contract these persons had the right to become colonists and obtain grants through the colonial commissioner. This most of them did. In a few instances the prior settlers purchased the lands desired by them direct from the state, which they had the privilege of doing. Some few of them adopted both methods and thus obtained larger quantities of land than they could have obtained as colonists only.

The Veramendi claim was not easily disposed of and remained pending until after 1833. The Veramendi heirs were attempting to reopen the matter as late as 1835. The origin of the Veramendi claim is interesting. In 1827 Veramendi, who was a native of Bexar, obtained a grant of eleven leagues at the junction of the San Marcos and Guadalupe rivers. The grant was found to be in conflict with prior rights. On November 29, 1829, Veramendi petitioned for an exchange of six of these leagues to a more eligible location "on account of the hostility of the Indians." On October 6 he was given permission to make the exchange. On June 2, 1831, he petitioned for the privilege of locating the six leagues on lands of the Mission of Refugio, located on Mission river, and which were then claimed to be vacant. The petition was granted; and as Power and Hewetson were disputing his right to possession, Veramendi obtained an *amparo* (similar to injunction), allowing him to be placed in possession until a commissioner should be appointed to give him possession "in form." Veramendi went into possession under the *amparo*, constructed buildings and planted a community of ranch hands thereon, and stocked it with 1,000 head of cattle. He then applied to Vidaurri, the commissioner of Power and Hewetson colony, for grant and formal possession. This being refused, appeal was made to the Supreme Government, which sustained the decision of Vidaurri and the *empresarios*, and title was never issued.<sup>26</sup>

The fact that Veramendi was governor of the state from November, 1832, to February 7, 1833,<sup>27</sup> made the situation most delicate and difficult for the *empresarios*. The Veramendi claim seems to have been disposed of in 1833 or 1834.

The friction with Martin de Leon, which was an extension and intensification of the original controversy, proved the most serious obstacle to actual colonization. De Leon, as has been stated, disliked Americans and Nordics, and consistently opposed all colonization contracts to foreigners. When he conceived that his own private

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<sup>26</sup> *McGehee v. Dwyer*, 22 Tex. 436; see also *McMullen v. Hodge*, 5 Tex. 33.

<sup>27</sup> Chabot, *With the Makers of San Antonio*, 243-244. *Lamar Papers*, IV, pt. 1, 240-241

rights were being encroached upon, he grew even more bitter and militant. Upon learning of the first Power and Hewetson contract, of 1828, he and the *ayuntamiento* of Goliad, (which was dominated by his family) petitioned the governor to "declare the contract null and void and allow the lands to remain to be distributed to the individuals of Goliad, or for the benefit of De Leon."<sup>28</sup>

De Leon now claimed that he had obtained a contract with the revolutionary government at Bexar, in 1812, to settle the lands. There was no record of any such contract; and if such had been made, it would have been of doubtful validity.<sup>29</sup> But the contention served as a *scintilla* of a prior equity, which might give government officials in sympathy with his views, an excuse for a favorable decision. The governor in this instance was not sympathetic to De Leon's claims. He answered that "neither, law, reason, nor that decorum which should be observed by the executive, can justify the annulment of the contract made with the aforesaid Power and Hewetson merely to gratify the wishes of those individuals."<sup>30</sup>

The augmentation having been granted about this time, De Leon, aided by Ramon Musquiz, the *Jefe Politico* at Bexar, took his protests and appeals to the Federal Executive direct. Musquiz, like De Leon did not favor colonization by foreigners and is said to have been personally interested in the matter. He claimed to own six leagues on the Lavaca river,<sup>31</sup> the title to which like those of the others was "inchoate." The Federal Executive referred the matter for report to General Manuel Mier y Teran, Commandante General of the Eastern Internal Provinces.<sup>32</sup> The views of General Teran on foreign colonization already have been noted.<sup>33</sup>

General Teran espoused de Leon's side of the controversy. He took the position that the law of April 6, 1830, had annulled Power and Hewetson's contract. He refused to listen to Power's argument that the law in question related only to North American colonists and not to Irish and native Mexicans. Teran arbitrarily ordered Power not to survey a single foot of ground anywhere within his concession on heavy penalties. The Irishmen could merely wait until Teran's reports were acted upon.<sup>34</sup> On December 23, 1831, the vice-president issued an order, as follows:

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<sup>28</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 9

<sup>29</sup> *Lamar Papers*, IV, pt. 1, 239-241

<sup>30</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 9

<sup>31</sup> *Lamar Papers*, IV, pt. 1, 239-241

<sup>32</sup> Henderson, *op. cit.*

<sup>33</sup> See p. 143, ante.

<sup>34</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 1, see p. 9  
*Lamar Papers*, Vol. 4 (pt. 1) p. 240



Department of State

Bureau of the Secty of Foreign relations,

Most Excellent Sir

His Excellency the Vice-President has with the greatest deliberation informed himself of the contents of the file of documents, which have been formed at the instance of the Mexican Empresario, Martin de Leon, to suspend the jurisdiction of the foreigner James Power, over the Coast Border leagues comprehended between the rivers La Vaca and the Nueces, and His Excellency General Manuel Mier, and Teran, in his report on the subject; has thought proper to decide, that the Grant of lands made to Power, by the Supreme Government on the 22d April, 1828, can be understood in no other manner, than according to Article 2d of the General Colonization law of 18th August 1824, that is, as regards the vacant lands, exclusive of those which are private property, and consequently Power will be put in possession of the lands appertaining to his contract, and Martin de Leon of that which he has proved to belong to him, which, by order of His Excellency I communicate to Your Excellency, for the purposes therein contained. God and Liberty.

Mexico, 23d December, 1831

Alaman<sup>35</sup>

On receiving the foregoing order from the central government, the State government on March 10, 1832, issued its own order concurring.<sup>36</sup> However, the practical solution of the matter appears to have been left to the Political Chief at Bexar. This functionary went in person from Bexar to Victoria and conferred with de Leon and made his determination of the boundary between the two colonies. He established the Guadalupe to its junction with Coleta creek, thence up the creek to the limit of the ten littoral leagues, as the dividing line.<sup>37</sup> He then went in person to Refugio and communicated his decision to Power. The latter agreed to abide thereby.<sup>38</sup>

This seems to have ended the disputes with de Leon, who died in the cholera epidemic of 1833. Just when the settlement was agreed to is not clear, as we have evidence of Samuel Addison White, surveyor for the Power Colony, surveying into the suburbs of Victoria as late as the summer of 1834. He testified that he was ordered to desist by Fernando de Leon.<sup>39</sup>

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<sup>35</sup> Order, Alaman to Governor, dated, Mexico, December 23, 1831. Empresario Archives, General Land Office, Vol. 45, pp. 637-647. Refugio County Deed Records

<sup>36</sup> Order of Governor, dated Leona Vicario, March 10, 1832

<sup>37</sup> Philip Power, *Memoirs*

*Lamar Papers*, Vol. 3, pp. 266-267

*Bissell v. Haynes* (1853) 9 Tex. 556

<sup>38</sup> Philip Power, *Memoirs*

<sup>39</sup> *Bissell v. Haynes*, 9 Tex. 556

The *ayuntamiento* of Goliad, whose colorable contentions were disposed of by the settlement, never ceased to harass the Irish colony, and did so as late as the summer of 1835.<sup>40</sup> The governor rebuked the *ayuntamiento* for its interference,<sup>41</sup> and titles were finally issued in peace to the Irish colonies.

Under the terms of the contract the empresarios had six years within which to introduce the required number of colonists. The Power and Hewetson contract was, therefore, due to expire June 11, 1834, and up to the spring of 1832, the empresarios had done little towards accomplishing the purpose of the contract; having been prevented thereunto by the endless disputes and controversies to which they had been subjected, as aforesaid. These disputes were not attributable to the fault of the contractors, and it seemed only equitable that they be given some additional time within which to perform. Therefore, on March 22, 1832, the state congress enacted Decree No. 184, granting Power and Hewetson a three-year additional term within which to fulfill their contract.<sup>42</sup> Governor Letona died shortly after the passage of this decree. He was succeeded by vice-governor J. M. Veramendi, who had been at loggerheads with the empresarios but a few months before. Veramendi upon assuming office declared that the decree extending the time was in contravention of the 9th article of the General Colonization Law and procured the passage in April, 1833, of Decree No. 226, rescinding Decree No. 184.<sup>43</sup> It is said that he was induced to do this because he had made locations for himself within the *empresa*.<sup>44</sup> At the time the extension was revoked, James Power had started on his way to Ireland, in ignorance of such adverse action.<sup>45</sup>



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<sup>40</sup> See p. 204, post

<sup>41</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 12

<sup>42</sup> Decree No. 184, Coahuila and Texas, dated March 22, 1832 G. L. Vol. 1, pp. 295-296

<sup>43</sup> Decree No. 226, Coahuila and Texas, dated April 3, 1833 G. L. Vol. 1, pp. 321-322

<sup>44</sup> Lamar Papers, Vol. 4 (pt. 1) p. 239; see p. 240

<sup>45</sup> Lamar Papers, Vol. 4, (pt. 1) p. 239; see p. 240

# POWER & HEWETSON IRISH COLONY

## PART TWO

While marking time until the status of their contract was determined, the *empresarios*, on December 24, 1829, purchased direct from the state government twenty-two leagues of land, to be located within the limits of their concession.<sup>1</sup> Up to this time James Power had remained a bachelor. He now contemplated matrimony, and with this in view selected as the location of one of these leagues, Live Oak Point, on Live Oak Peninsula, one of the most beautiful spots in Texas. On this grant, which was known as *Rincon de Cera*, he purposed building a home for himself and his bride-to-be.

In the Fall of 1821 Power decided to go to Mexico to seek his fortune. Being acquainted with Stephen F. Austin, who was then in New Orleans, Power procured from him letters of introduction to influential persons in Mexico. Shortly thereafter Power left New Orleans and landed at Matamoros. There he became acquainted with the family of Captain Felipe Roque de la Portilla.<sup>2</sup>

Power probably could not have contacted at the outset a more worthy, interesting or valuable person than Captain Portilla. Don Felipe, a native of Spain, had gone to Mexico as an officer in the Spanish army. He later married Maria Ignacia de la Garza, a native of Mier, and of one of the most prominent families of the Rio Grande. After his marriage he retired from the army and engaged in ranching on the Texas side of the Rio Grande, in the vicinity of present day Brownsville. He maintained a town home in the little villa on the south side of the river, then known as the Congregation of Refugio, now the City of Matamoros.

In 1807 Captain Portilla was requested by the Spanish government to assemble a colony of Spanish and Mexicans to settle a *pueblo*, to be known as the *Villa de San Marcos de Neve*, to be established by Governor Cordero at or near the point where the *Camino Real* crossed the Guadalupe river (in Texas). Portilla accepted the commission and gathered a group of sixteen families, among which was his own, and in December, 1807, left Nuevo Santander for the new *pueblo*. He and his colonists arrived at the selected site and

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<sup>1</sup> Mexico to Power and Hewetson, *Grants*, December 24, 1829, *Refugio County Deed Records*, Vol. 45, pp. 637-647

<sup>2</sup> Philip Power, *Memoirs*. Felipe Roque Portilla, Jr.; *Depositions*, in *Welder-Lambert Law Suit*.

began the construction of a town, which was formally established January 6, 1808.

Castañeda tells us that "the leader of this group, Felipe Roque de la Portilla . . . was accompanied by his wife, Maria Ignacia de la Garza . . . and his seven children: Juan Calixto, Juan, Maria Dolores, Jose Francisco, Maria Tomasa, Luciana, and Maria Monica. He brought 380 cattle, 388 mares, 200 mules, 20 horses (6 tame) and 25 donkeys . . . He also brought along his ten herders and their families and a retinue of servants. For this service to king and country Portilla was granted a town lot in the *Villa de San Marcos* and twelve leagues of land on the San Marcos and Guadalupe rivers, about eight miles above the present town of Gonzales.<sup>3</sup>

The *Villa de San Marcos de Neve* had a hectic existence. On June 5, 1808, it was washed out by a flood. It was rebuilt, but the Indians were unrelenting in their hostility.<sup>4</sup> Captain Portilla was usually in the saddle, battling the savages. Then came the Mexican Revolution. Conditions in Texas were chaotic. The government, when there was one, was unable to give military assistance; and the settlers were not strong enough to resist the Indians alone. The colony was therefore, abandoned in 1812; and most of the colonists returned to the Rio Grande.

Linn, speaking in his *Reminiscences* of Captain Portilla, relates that Don Felipe finally abandoned his ranch on the San Marcos "as the Indians became intolerable. In removing his cattle he left some which he failed to find, and these had multiplied to such a degree that when the Anglo-American settlers penetrated that country in 1832-5 [1823?] they found the section stocked with wild cattle free of all marks or other indices of ownership. But so wild were they that only the most expert hunters might hope to come up with them."<sup>5</sup>

Thus it will be seen that Captain Portilla had had a wide practical experience in colonization work, and it is likely that he suggested to Power the idea of the Irish colony. At any rate, the Portilla family encouraged Power in the undertaking and were among his colonists. The Portilla family was living in 1830 on Nueces bay, on a bluff near a place later known as "The Chimneys."<sup>6</sup> How long they had lived there previously to 1830 is obscure.

In July 1831 or 1832 James Power married Dolores Portilla,

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<sup>3</sup> Castaneda, *Catholic Heritage*, V, 332-336; Linn, *Reminiscences*, 338

<sup>4</sup> Castaneda, *Catholic Heritage*, V, 336

<sup>5</sup> Linn, *Reminiscences*, 338

<sup>6</sup> Patrick Quinn, *Depositions*, Welder-Lambert Law Suit; Philip Power, *Memoirs*. "The chimneys" were at about present-day White Point.



daughter of Captain Portilla. The wedding took place at San Patricio.<sup>7</sup> The couple lived temporarily with the Portilla family at their home on Nueces bay, pending construction of the house at Live Oak Point. Patrick Quinn says of the Portilla home, "It was a large picket house covered with palmetto, on the Nueces Bay on a bluff west of where D. C. Rachal now [1892] lives, at a place afterwards known as the "Chimneys."<sup>8</sup>

Colonel Power at or about the time of his marriage had a house in the town of Refugio, at which he and his family lived before the commodious home on Live Oak Point was built. The town house, which was used by the Power family in March, 1834, is described as having been located "about 400 yards from the old church at Refugio, and between the church and Mission river . . . It was a picket house of two rooms with thatched roof."<sup>9</sup> The house also had large fireplaces; and in connection therewith, on the river, were large paling cattle pens or corrals, which later figured in the Battle of Refugio.<sup>10</sup>

The date of completion of the house on Live Oak Point, afterwards the principal home of the Power family, is obscure. Most accounts state that James Power, Jr., was born there, April 14, 1833.<sup>11</sup> Colonel Power unquestionably was living at Live Oak Point in 1835. The house in the *Villa* of Refugio was used by Power when he was in town on business.

The *empresarios*, of course, acquired all rights to the old buildings of Refugio Mission, as well as to its lands. The business offices of the colony were established in the old mission,<sup>12</sup> and preparations were made to complete the colony as soon as the legal difficulties were got out of the way. The word "complete" is used advisedly, as from what has been hereinbefore seen and will be hereafter seen, a goodly part of the colonists were already on hand—in the persons of the Mexican possessors and settlers who have been referred to.

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<sup>7</sup> Felipe Roque Portilla, Jr., *Deposition*, Welder v. Lambert Law Suit, 66; Philip Power, *Memoirs*.

Huson, *El Copano*, 11 (note) states Power and Dolores Portilla were married at Monterrey, Mexico, in July, 1832, and that the marriage to her sister, Tomasa, occurred at Matamoras, Mexico. Felipe Roque Portilla, Jr. testified that the first marriage took place at San Patricio in 1832, which is probably correct. He says that the second marriage was at New Orleans. Power's first wife died in 1836 during the revolution. He was in New Orleans about the time of her death. Patrick Quinn, however, testified that he lived with the Portilla family for about a month in 1831, and that Power was married then.

<sup>8</sup> Patrick Quinn, *Depositions*, Welder v. Lambert Law Suit, 118

<sup>9</sup> Rosalie B. Priour, *Depositions*, Welder v. Lambert Law Suit, 99

<sup>10</sup> Philip Power, *Memoirs*

<sup>11</sup> Dolores Welder, *Depositions*, Welder-Lambert Law Suit; Philip Power, *Memoirs*; Huson, *El Copano*, 42

<sup>12</sup> Philip Power, *Memoirs*

Practically all of the native Mexicans who appear on the lists as Power and Hewetson colonists were already on the ground, being for the most part the *ranchero* families hereinbefore alluded to. Among this class of colonists were:

Jose Miguel Aldrete, Jose Maria Aldrete, Rafael Aldrete, Trinidad Aldrete, Augustin Austa, Tomas Banuelos, Jose Maria Blanco (born in United States), Dolores Carbajal, Jose Maria Castillo, Lino Castillo, Ygnacio Castro, Jose Maria Cobarrubias, Gregorio Cobian, Jose Maria Cobian, Guadalupe Carreaga de Cobian, Jose Esequito Cobian, Maria Soledad Cobian, Juan Flores, Antonio Galan, Tomas Galan, Pedro Gallardo, Antonio de la Garza, Carlos de la Garza, Cayetano Garza, Florentino Garza, Jacinta M. de la Garza, Juan Garza, Juan Jose Garza, Julian de la Garza, Rafael de la Garza, Maximo Gomez, Francesco Gonzales, Juan Gonzales, Antonio Goseacochea, Manuel Hernandez and his five brothers, Pedro Huizar, Maria de Jesusa de Leon (de Manchola), Esteban Lopez, Juan Macias, Miguel Menchaca, Augustin Moya, Juan Moya, Miguel Musquiz, Desederio Nira, Antonia Nuñez, Francisco de la Peña, Juan Pobedando, Calixto Portilla, Roque Felipe Portilla, Encarnacion Portilla, Felipe Portilla, Jr., Francisco Portilla, Juan Portilla, Jose Maria Portilla, Tomasa Portilla, Francisco Ramon, Juan Reyna (Reñer) . . . Reyna (Reñer), Ynez Reyna (Reñer) Anastacio Reojas, Anastacia Reyes, Florento Rios, Maria Josefa Rios, Francisco Rodriguez, Jose Maria Rodriguez, Leonardo Rodriguez, Miguel de los Santos, Lazaro Serna, M. L. Serna, Santiago Serna, Pedro Suarto, Victoriano Torres, Josefa Maria Traviezo, Jose Antonio Valdez, Jose Maria Valdez, P. Villareal, Sacarias Villareal, Antonio de la Viña.

Eugenio Navarro, a native of Bexar, came to Refugio in 1832 and made certain preliminary surveys, including the bays, inlets, and islands within the *empresa*. Navarro was prominent in the councils at Monclova and Saltillo. Pedro Villa Serates and George Serates were Greeks. Jose Vidaurri, who had a grant, was a Coahuilan. Marcos Marchand appears to have been a creole, of Saltillo.

One of the most outstanding of these Mexican settlers was Captain Don Carlos de la Garza, who will figure prominently in the operations of King and Ward at Refugio, in 1836. Don Carlos was born at La Bahia in 1801, his father being, it appears, a military man. He was reared in a military atmosphere, and it is said that he was a soldier all of his life. In 1829 Tomasita . . . came with her

parents to La Bahia,<sup>13</sup> and the same year she and Carlos were married in the *presidio* church. The same year or the next the young couple moved to a place on the left bank of the San Antonio river, below La Bahia, and there established a *rancho*, which shortly became famous as the Carlos Ranch. Here Captain and Senora de la Garza lived, died, and were buried, and their descendants still live on the land, which was granted to them by Commissioner Vidaurri in 1834.

Numerous of the kinsmen of the *haciendados* followed them to the ranch and took up residence there. Among these were the families of Cavasos, Ybarbo, and Tijerina. The de la Garzas held large herds of cattle and live stock, and lived in grandee style with many servants and retainers. Shortly a community sprang up on the ranch, which had attained the proportions of a village by 1835. A log Catholic church was built, and there was a resident priest usually in attendance. The *padre* Valdez, who had a ranch farther down the river in the forks of the Guadalupe, frequently celebrated mass in this pioneer church. Captain de la Garza had a large log store, barrel house and commissary, which he operated up to the time of his death. Near the store was a fine double log house, in which the family lived. The logs used in the walls were hewn square, and the building stood sturdy for almost 75 years. In the neighborhood of these principal buildings were numerous houses and jacals, in which the other settlers lived, and also barns, sheds, and corrals.<sup>14</sup>

The old road from Victoria to Refugio mission passed through the Carlos ranch and crossed the San Antonio River, over which a ferry, probably the first in Refugio County, was operated by the de la Garza family. This ferry was later operated by John White Bower, who acquired a ranch on the right bank of the river, opposite the Carlos ranch. Colonel Bower is buried on his ranch at a spot not far from this historic ferry.<sup>15</sup>

The Carlos Ranch became the place of refuge for Mexican Tories, during the revolution, and was raided several times by Fannin's men. After the revolution it sheltered Texian families during Indian depredations, was the headquarters of the Texian army and General Albert Sidney Johnson, a post for Texas rangers, and on more than one occasion during the Republic the county seat *de facto* of Refugio County. All as we shall hereafter see.

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<sup>13</sup> Tomasita de la Garza, *Depositions*, (1891) Fox v. O'Brien, Refugio District Court.

<sup>14</sup> V. W. Sevier, *Statement*, February 12, 1940; Philip Power, *Memoirs*; Hipolyto Perez, *Statement*, February 28, 1940.

<sup>15</sup> Philip Power, *Memoirs*; Huson, *El Copano*, 42. Will D. Bickford, *Statement*, 1943

Another outstanding Mexican settler was the *padre* Jose Antonio Valdez, who with Jose Maria and Pedro Valdez, had a ranch in the forks of the San Antonio and Guadalupe rivers.<sup>16</sup> Both of these men had been Captains in the National Army of the Three Guarantees, organized by Iturbide under the *Plan of Iguala*.<sup>17</sup> The *padre* Valdez was *cure* of La Bahia when Stephen F. Austin visited the place in 1821. He was one of the negotiators and signers of Austin's last treaty with the Karankawa, on May 13, 1827.<sup>18</sup> During the Texian Revolution he was the head of the Mexican espionage system, with headquarters at the Carlos Ranch. Valdez was granted four leagues in the forks of said rivers on June 3, 1824, but he later accepted a less quantity as a Power colonist.

Besides the Mexican settlers before named, all of whom received grants, there were others who had been residents for long periods of time, who, for some unknown reasons, did not apply for grants, or at any rate failed to receive same.

Besides the early Mexican settlers there were within the *empresa* certain Nordic settlers, some of whom had come to Texas to join the Power, or some other colony, and were waiting until the *empresarios* got their difficulties adjusted, and others whose origin was somewhat obscure. Among the latter were some who reputedly had been members of Jean Lafitte's filibusters. Some of these received grants as colonists, while some did not.

Among those who were within the *empresa* prior to the landing of the colonists from Ireland and received grants in the Power colony were the following: James and Leonard Brown, Catalina Dugan, Nicholas Fagan, Michael Fox, John Keating, Edward McDonough, Michael Reilley, William Ryan, John Scott, and John and Patrick Shelly, who came in 1829, or prior thereto. John Dunn had lived at Goliad for several years before removing to Refugio prior to 1834. Peter Hynes and family arrived in 1831, and John Malone, James McGeehan and John Pollan in 1833, or prior thereto. Jeremiah Toole came to Refugio in 1827, as a McMullen colonist. The Quinn family, including William and wife, Bridget, and sons, William, James and Patrick, came to Refugio in 1829, as McMullen colonists. The Tooles and Quinns went to San Patricio in 1831 or 1832 but disagreeing with the *empresarios* of that colony, came back

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<sup>16</sup> Mexico to Valdez, *Grant*, Sept. 26, 1834, *Refugio Deed Records*, 13, 149

<sup>17</sup> *Holliday v. Harvey*, 39 Tex. 671  
Priestley, *The Mexican Nation*, 247-250

<sup>18</sup> Treaty between Colonists and Karankawas, May 13, 1827, *Austin Papers*, II, 1639-1641



to Refugio in 1833 and joined the Power colony. Edmund St. John is said to have been living at Refugio between 1829 and 1834. Peter Teal came in 1826. The Sidecks were in this section long prior to the Irish colony. John B. Sideck moved to Texas from Louisiana in 1819. Peletiah Bickford is also said to have been living on the San Antonio River prior to 1834; but if so, he did not receive a grant as a colonist. Joshua Davis is one other who appears to have been an early settler on the San Antonio River.

Among the Power colonists were the following families, who immigrated direct from the United States, hence did not come over with the colonists from Ireland: John and William Anderson, Jose Maria Blanco, Elkanah Brush, Robert Carlisle, Joseph Coffin, Andrew Devereaux (Louisiana), Lucius W. Gates, nephew of Westover, (Mass.), Cornelius Philip Hermanns, William Langenheim, Amand Victor Loupe (Louisiana), Antoine Sayle (Louisiana), and Ira Westover. Also the following colonists came from other places and not with the colonists from Ireland: Dr. John Cameron (a Scot and naturalized Mexican citizen), James Collyer (Great Britain), John James (Nova Scotia), Marcos Marchand (Saltillo), Pedro Villa Sarates (a Greek and naturalized Mexican citizen), Charles and John Shearn (England), John Smiley, Charles Smith, James Walmsley, John Walmsley, and Henry Winchester (the last five from Great Britain). All of the colonists in this group were at Refugio prior to June 11, 1834.<sup>19</sup>

During the Texas Centennial various groups and organizations—racial, religious, and fraternal—vied with one another in publicizing what their respective members contributed in the building of Texas. This tendency, of course, was commendable, but in their zeal to make good showings they frequently assumed their facts. This was especially true in the case of the Irish Colonists. It was assumed by some that inasmuch as most Irish were Roman Catholics that every one with an Irish name in the Refugio colony was a practical Catholic, and it was also assumed that many of other national names were likewise practical Catholics. Such assumptions were in many instances unfounded. Many of the Power colonists were Germans, English, Canadians and North Americans, most of whom were Protestant. The Frasers, Westovers, Gates, Ayers, Osbornes, Shearns, Dietrichs, and numerous others were Protestants

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<sup>19</sup> The facts regarding places of origin and dates of arrival of colonists have been compiled from the land grants, family histories, statement of Will D. Bickford, Philip Power's Memoirs, Depositions in the Welder-Lambert Law Suit, and from many other sources.

and Masons. Ayers was practically run out of the McMullen colony for distributing Protestant literature.<sup>20</sup>

Believing his legal difficulties to be out of the way and being under the impression that he had a three year extension for the completion of his contract, Colonel Power prepared to go on his long contemplated voyage to Ireland, where he confidently expected to recruit the bulk of his colonists. Although Mrs. Power was then *enciente*, he felt that his journey could be no longer postponed and arranged to leave his wife with her parents. In April, 1833, Power arranged for passage to New Orleans on a vessel which had anchored off Aransas Pass.

After the vessel had weighed anchor, or was about to do so, a horseman was seen on the shore frantically signalling to the vessel. The captain sent a small boat to shore to find out what the trouble was, and shortly the boat returned to the schooner with Francisco de la Portilla, Power's brother-in-law, aboard. Francisco had come to advise Power of the birth of his son, James, on April 14. Power then endeavored to cancel his passage, but the captain refused to refund the money. Not knowing when he might get another vessel and not being able to lose the passage money, Power decided to continue on his journey. He did not see his son until more than a year later.<sup>21</sup>

Power appears to have taken the river route from New Orleans to Wheeling, thence overland to Philadelphia and New York, from which port he sailed for Ireland,<sup>22</sup> on October 14, 1833.<sup>23</sup> En route to New York, he stopped off at various places, seeking prospective colonists. Some of these he found at New Orleans, Louisville, Philadelphia (where he got a number), and in and around New York City. Those who agreed to go to Texas, he started off immediately. Many of them were waiting for him at Refugio mission when he returned in May of the following year. Before he had sailed from New York, he was informed that Governor Latona had died and that Veramendi had taken his place, and that the latter had had the decree extending the life of the contract annulled.<sup>24</sup> Thus Power found that he had but until June, 1834, within which to fulfill the contract.

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<sup>20</sup> See Ryan, *Shamrock and Cactus*. Mrs. Teal states that in 1829 one Shaw had settled on the San Antonio river and was forced to leave because he was a Protestant. 34 Q. 318

<sup>21</sup> Dolores Welder, *Depositions*, Welder-Lambert Law Suit, 148-150  
Huson, *El Copano*, 13-14

<sup>22</sup> Huson, *El Copano*, 13-14

<sup>23</sup> *Lamar Papers*, IV, pt. I, pp. 239-242

<sup>24</sup> *Decree No. 226*, April, 1833, G. L. I, 321-322

Upon his arrival in Ireland, Colonel Power went to the home of his sister, Mrs. Isabella O'Brien, in County Waterford, which he made his headquarters during his visit to his homeland. He located and visited his many relatives who were living in South Ireland, the O'Connors and Powers, among others, and interested them in his Texas project. He had hand-bills printed, advertising for immigrants, and posted them all over Ireland. Many of those who became colonists had never heard of Texas until they saw these hand-bills. Tenant farmers, or small proprietors, from all parts of Ireland, came down to Waterford to obtain more detailed information.<sup>25</sup> Those who were able to sell out and leave were sent by Power to Texas in small groups, from time to time, in advance of the sailings of the main bodies of colonists.<sup>26</sup> These in due time reached Texas and went into camp at the mission. Among these early arrivals appear to have been Thomas O'Connor,<sup>27</sup> the Lambert family and Edward St. John.

Mrs. Rosalie B. Priour (nee Hart), who was a child at the time, says of Colonel Power's activities in Ireland:

"Mr. James Power held meetings at the home of his sister Mrs. (Isabella) O'Brien, in Ireland, where he told his friends and acquaintances who gathered there about America and the advantages to be secured there by colonists. Among other inducements he told them that each family or head of family would receive a land grant of one league and one labor of land from the Mexican government, and that each single person would also receive a land grant, but of a smaller quantity. Power also made a personal canvass in various parts of Ireland in search of colonists.

"Practically all of the persons who attended the meetings were tenant farmers, but none of them owned any land in Ireland. Their object in coming to America was to secure lands of their own, my recollection being that under the law in force in Ireland at that time no Catholic was permitted to own land, with only a few exceptions, most of the lands in that country being also entailed and not subject to be sold or divided.

"Mr. Power was to charter a ship which was to land the colonists and their goods at Copano, in Texas. The colonists agreed to pay stated sums of money for passage and transportation of their household goods, farming implements and one year's supply of provisions. The passage money was generally paid

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<sup>25</sup> William St. John, *Depositions, Welder-Lambert Law Suit*; Rosalie B. Priour, *Depositions*, id. Oberste, *History of Refugee Mission*, 340

<sup>26</sup> *Lamar Papers*, IV, pt. 1, 240

by the colonists in advance before embarking at Liverpool. A time was fixed for the sailing to Texas, and the place of embarkation was designated as Liverpool.

"The persons who agreed to go to Texas as colonists sold all their personal property, such as horses, cattle and sheep, and brought the money with them. As before stated, they had no land to sell."

Power gained about 350 recruits as the result of his activities in Ireland. The bulk of these colonists left Liverpool, England, in two groups; the first consisting of 108 souls, with whom was Rosalie B. Hart (later Mrs. Priour), and the second consisting of some 200 persons, with whom were William St. John and his father and brother, James. The first group on board the *Prudence*, commanded by Captain Chapin, left Liverpool, on December 26, 1833. Bad weather forced the ship back into port on the 29th. It again set sail on January 8, 1834, and arrived at New Orleans on April 23, 1834.<sup>28</sup> The voyage was as tragic as it was long, and but few of the passengers ever reached the colony alive. Lamar states that "all but eight perished in one week with the cholera."<sup>29</sup>

Mrs. Priour, who was with the group on the *Prudence*, relates:

"The colonists assembled at various times and in various ways in Liverpool at the time set for sailing. Most of the colonists did not know each other prior to assembling at Liverpool, but became acquainted before boarding ship. Among the colonists were a number of kinspeople of Mr. Power. His sister, Mrs. O'Brien and her husband, and sons, Morgan and John, and daughters, Bridget and Agnes, also some of his brothers, and his nephew, Martin Power, were among the colonists. Martin Power was a cripple and walked with aid of crutch or stick.

"Among the colonists was James Bray, the surveyor,\* and a few servants and laborers.

"After waiting some time in Liverpool for our ship to sail for America, and spending Christmas, 1833, in Liverpool, about 350 colonists boarded the vessel with their goods and supplies. The ship chartered by Mr. Power was one of the largest sailing vessels afloat in those days. I do not remember the name of the ship. The ship weighed anchor during the holidays, after Christmas, or at least not later than the early days of the year 1834. Mr. Power returned to Texas in the same vessel with the colonists.

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<sup>27</sup> Warburton, *History of the O'Connor Ranch*, 2

<sup>28</sup> Oberste, *History of Refugio Mission*, 340-341

<sup>29</sup> Lamar Papers, IV, pt. 1, 240

\* Mrs. Priour may be mistaken as to Bray. He or his family appears to have formerly lived in Louisville, Kentucky.



"The voyage from Liverpool to New Orleans was in the main uneventful, except for a severe storm in the bay of Biscay, when all passengers were ordered below deck and the hatches fastened down. My father, Thomas Hart, having been a customs officer or "Water-guard" at Cork, Ireland, I was accustomed to the water, and not afraid of the storm.

"On the ocean I remember seeing another large merchant vessel following close to our vessel for several days, and the people on our vessel were alarmed for several days for fear they were being pursued by pirates, until finally the other vessel came in-hailing distance and proved to be a friendly merchantman.

"Our ship was so crowded that all available space was occupied by the colonists who furnished their own beds or bunks and their own provisions and did their own cooking and household duties the same as they did in the home.

"I remember upon reaching the coast of Florida, our captain was afraid to venture through Florida Strait on account of the great size of the ship, and to avoid danger coasted around the Island of Cuba into the Gulf of Mexico. While passing through Cuba, owing to the great heat of the sun on the ship's deck, my little sister, Elizabeth, then about five years old, received a sunstroke from which she soon died and was buried at sea . . . She was a great favorite with the officers and crew of the ship, and my parents were unable to prevent her from staying on deck in the hot sun.

"Our ship was about sixty days out of sight of land and about two months and a half making the trip from Liverpool to New Orleans, which voyage in the main was rather a pleasant one and all the passengers kept healthy.

"After reaching New Orleans all the passengers remained or had their headquarters on the ship, where we had to wait, to the best of my recollection, two or three weeks, (a part of which time I was sick) before we were transferred to the two schooners that brought us to Aransas Pass."

The last contingent of colonists, numbering between 200 and 300, sailed from Liverpool on the ship *Heroine*, Captain Russell, on March 12, 1834, and arrived at New Orleans during May of the same year.<sup>30</sup> Colonel Power returned with this contingent, which included William St. John.<sup>31</sup> At New Orleans they found the first group awaiting their arrival. After a delay of about a week Colonel Power chartered two large three masted schooners, the *Wild Cat*, Captain Ramsdale, and the *Sea Lion*, Captain Willing H. Living, to

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<sup>30</sup> Oberste, *History of Refugio Mission*, 340-341

<sup>31</sup> William St. John, *Depositions*, Welder-Lambert Law Suit

bring the colonists on to El Copano. A number of passengers, some of them probably colonists, among them being John J. Linn and his bride, were also taken aboard at New Orleans.<sup>32</sup> Colonel Power, the St. Johns and Harts, were among those on the *Sea Lion*. The Linns were aboard the *Wild Cat*.

Both of the schooners were wrecked at the Aransas bar, which proved so often to be the bane to ships entering the bay. Colonel Linn states:

"Without anything unusual occurring on the trip, we arrived at the pass, which we found stormy and bad. Notwithstanding the dangers of trying to cross this bar, the captain announced his determination to enter the bay at any hazard. As our little schooner reached the bar a rough sea broke on her and a heavy swell threw her from the channel, and she became unmanageable. The consequence was that she struck heavily on the bar in about five feet of water, where she remained fast aground. We had taken the precaution to shut and fasten the cabin door.

"Another heavy sea struck her and completely washed her decks, those upon deck only saving themselves by clinging desperately to the ropes. This 'roller' lifted the vessel into shallow water where she was permanently fixed.

"The cabin doors were then opened, and the passengers within, who had imagined that we had all been swept overboard, congratulated us upon our escape, and especially Mrs. Linn in that she had not been left a young widow. Our staunch little craft withstood this warfare of the elements wonderfully well, and, though beat up on the bar by the angry waves, did not leak at all. But the water had played havoc with our culinary department, and the cook announced that it would be an impossibility to get supper. We therefore contented ourselves with bread and cheese, and passed the night quite comfortably under the circumstances. In the morning it was discovered that the schooner had taken several inches of water in the hold, and that the leak was increasing. The weather continued tempestuous.

"On the following day two vessels were seen approaching the bar. One proved to be the schooner *Cardena*, loaded with merchandise for San Antonio. The other was a large vessel and had on board colonists for Power's and Hewetson's colony. The *Cardena* headed her course for us. We signalled her to steer to the east of us, as we were on the west side of the bar, but the atmosphere was hazy and a heavy sea running, our signals were disregarded, and the schooner struck with her broadside to the

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<sup>32</sup> Linn, *Reminiscences*, 30; Huson, *El Copano*, 16; Oberste, *History of Refugio Mission*, 341-342; Warburton, *History of the O'Connor Ranch*, 2-3; William St. John and Rosalie B. Priour, *Depositions*, in *Welder-Lambert Law Suit; Lamar Papers*, IV, pt. 1, 240-241

sea and wind. In about two hours the *Cardena* succumbed to the surf and gale and went to pieces. The most of her cargo was lost; but little washed ashore.

"The other vessel was handled in a manner indicative of skillful seamanship, and stood 'on and off' until late in the afternoon, when the Captain put all sails on and stood in for the bar. She was steered too far eastward, however, and brought up on the breakers, where she thumped tremendously by reason of having her canvass all unfurled. Each roll of the surf would take her headlong forward, her keel grating on the bar. But in about one hour she fought her way over these formidable obstacles and entered the bay, where she run into a mud-bank with several feet of water in her hold, from which position she was never rescued. Fortunately all the colonists were landed on the beach in safety . . . I was fortunate in being able to hail a schooner which had just discharged her cargo at Copano, and engaged her to transport my goods to Copano, at which point they were landed in a few days."<sup>33</sup>

Mrs. Priour, who was on the *Sea Lion*, states that the *Wild Cat* made the voyage from New Orleans to Aransas Pass in twenty-four hours and that the *Sea Lion* made it in about forty-eight hours. She says, "On nearing Aransas Pass we could see the schooner *Wild Cat* and that it had run ashore. Colonel Power ordered the captain of the schooner (*Sea Lion*, in my presence, at the point of a pistol, to change his course to prevent his running his vessel aground. After casting anchor for the night the captain of our schooner, in the night, also run our schooner ashore . . ." According to William St. John no lives were lost by reason of the wrecks and practically all cargoes were saved. The *Wild Cat* eventually capsized, and its passengers were put ashore on St. Joseph's Island. Some of the passengers of the *Sea Lion* went to the Island, but many of them remained aboard the vessel. Colonel Power and two other men took a sail boat and went to El Copano for help. They had been informed that there was a schooner in port about ready to depart.<sup>34</sup>

The wrecks at the Aransas bar occurred on May 23, 1834, and several accounts charge that the wrecking of the vessels was intentional, with the object of collecting the insurance.<sup>35</sup>

Immediately after the shipwrecks the cholera broke out among the colonists in an epidemic form, and many of the unhappy people died ere transportation could be procured to convey them to their

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<sup>33</sup> Linn, *Reminiscences*, 30-32

<sup>34</sup> Rosalie B. Priour and William St. John, *Depositions*, in *Welder-Lambert Law Suit*.

<sup>35</sup> Mrs. Rosalie B. Priour, *Depositions; Lamar Papers*, IV, pt. 1, 241

destination.<sup>36</sup> The colonists had to remain on St. Joseph's Island or on board the *Sea Lion*, until they could be taken off.

In the fall of 1833 cholera appeared in New Orleans. The disease attained epidemic proportions, and swept across Texas and well into Mexico. Martin de Leon and Governor Latona were among the notable victims. The full effect of the epidemic was not felt at Goliad and Bexar until June and July, 1834. The origin of the cholera in Goliad was blamed on the sale of merchandise "from three ships which were shipwrecked on the coast of Aransas port."<sup>37</sup> The ships were undoubtedly those hereinbefore mentioned in connection with the Power Colony. These vessels had no doubt become infected before they left New Orleans, and such was the opinion of the surviving colonists.

Mrs. Priour tells of the horrors of the epidemic. She states:

"After grounding the schooners off Aransas Pass, an epidemic of cholera, supposed to have been contracted in New Orleans, broke out among the colonists. My recollection is that about 250 of the colonists died and were buried at sea. A child of Mr. St. John, brother to Mr. William St. John, now at the Mission, died, and through sympathy for the grief-stricken parents and their horror of burying their child at sea, I remember seeing my father and a Mr. Paul Keogh take the child in a little boat to St. Joseph's Island, where they buried it. After burying the child Mr. Keogh fell sick with cholera and died at St. Joseph's Island and was buried there also by my father, who remained with him to his death.\* After an absence of about forty-eight hours from the schooner my father returned. As soon as my mother and I saw him we were frightened by his gaunt and distressed appearance and we could see that he was seriously ill; but he told us that he was only weak from hunger; that he had had no nourishment except water which he found by digging with his spade on the island.

"After my mother and I ministered to my father's wants, giving him food, etc., he was taken suddenly very ill and died about twenty-four hours afterwards and one hour after landing from the lighter at Copano, where he was buried by my mother and a Mr. Hart (no relation to my parents), who was already living in Texas and happened to be in Copano. I saw them wrapping my father in a blanket and bury him. I was sick and lying

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<sup>36</sup> Linn, *Reminiscences*, 32; Mrs. Priour, *Depositions*

<sup>37</sup> Haggard, *Epidemic Cholera in Texas, 1833-1834*, 40 Q. 216-230

\* Mrs. Priour must be mistaken as to Paul Keogh dying on St. Joseph's Island, as among the Milford P. Norton papers is a letter written by Keogh's attorney to Norton in regard to the colonial grant which Keogh was supposed to get. At that time in the 1850's Keogh was living in Virginia.



on the pallet with him when he died. I thought at first he was only sleeping, but when I tried to awaken him I found he was dead."

Colonel Power, although ill himself, went to El Copano for help, as has been seen. At the port he found Captain Auld of the schooner *Sabine*, which was lying at anchor. "Power gave him \$400 to go after his emigrants at the Aransas and bring them to Copano Landing; which duty he performed with dispatch, humanity and fidelity. Captain Auld found many of them in great sufferance, but by his kindness, preserved their lives & brought them safe to Copano."<sup>38</sup> Most accounts agree that the colonists were taken to El Copano on a schooner, but Mrs. Priour states that the colonists were lightered from the wrecked *Sea Lion* into the port. She says that they had remained on board the ship for two or three weeks before they were lightered to Copano, "where the old Mexican Custom House stood. It was a small brick house near the shore of Copano bay, . . . My impression is that this building stood near the mouth of the Mission river."<sup>39</sup>

After landing the colonists were kept under quarantine at El Copano for about two weeks, under guard of Mexican soldiers, "amid the greatest suffering and distress," which the Mexican officials did their utmost to relieve. Many of the colonists died after landing at El Copano.

It appears that most of the cholera victims were among the passengers of the *Sea Lion*. Out of the passengers of this vessel 50 or 60 died; among the number some of Colonel Power's nearest friends and relatives, including his sister, Mrs. O'Connor, and several nieces.<sup>40</sup> The victims were buried along the bayshore, and some in the Old Field. There appears to be no exact account of the number of the victims, but it has been estimated variously from 100 to 250.<sup>41</sup> Besides those who came from Ireland, it would seem that a number of those who were already at the Mission died of the disease. Among these were Dugan, Peter Golden, and Charles Gillan, whose widows afterwards married prominent colonists.

Upon his arrival at El Copano, Colonel Power was met by John Dunn and several Karankawa Indians. Power entrusted Dunn with a letter for the *jefe politico* at Bexar, announcing the arrival of the Irishmen<sup>41a</sup> and requesting that another commissioner be appointed

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<sup>38</sup> Huson, *El Copano*, 15; *Lamar Papers*, IV, pt. 1, 241

<sup>39</sup> Rosalie B. Priour, *Depositions*, Welder-Lambert Law Suit

<sup>40</sup> *Lamar Papers*, IV, pt. 1, 241

<sup>41</sup> Mrs. Priour places the number of cholera victims at 250.

<sup>41/1</sup> Oberste, *Texas Irish Empresarios*.

to extend titles.<sup>42</sup> Gallardo having died (evidently a cholera victim), arrangements were made to assemble carts and bring them to El Copano to haul the surviving colonists and their worldly possessions to the mission.

While most of the colonists encamped along the bayshore, awaiting release from quarantine and also for the carts, many of them took up their abode in the old shell-concrete buildings said to have been at one time part of Refugio Mission. Some of these colonists remained there for several months and cultivated in common the Big Field. Rusty plow points said to have been left there by these colonists could be seen up to a few years ago.<sup>43</sup>

Mrs. Priour continues:

"Finally we were hauled on ox-wagons from Copano to the Mission Refugio. There we settled upon the lots which were donated by the Mexican government to our family. I remember seeing the colonists working their field, planting their crops, and making their living in various ways. At first most of them farmed together in one large field which they fenced together in the bend of the river by way of convenience and economy. If the colonists had not brought supplies with them it would have been impossible for them to have obtained the necessities of life in Texas at that time, to say nothing to the luxuries. The manner of life of the people in those early days was very simple and very much the same in all the families of my acquaintance."

The Fagan family has been mentioned as being among the earliest arrivals of Power's colonists. Nicholas Fagan, with his family, embarked in 1829 at New Orleans on the schooner *Pomona*, Captain Prietta, bound for a Mexican port. With the Fagans were Edward McDonough and his family. The Americans had a special permit from the Mexican colonists to be landed at El Copano, and Captain Prietta put them off at that landing. From the port they trekked with ox carts, which they had secured, across the rolling prairies to the San Antonio river, camping on the prairie en route. The first night out of El Copano they experienced their first Texas "norther." The wandering off of their oxen stalled them in the prairie for two days. Eventually they safely reached the river.

The two families selected the lands they desired and applied to the authorities at Goliad for titles. Taking chances on obtaining titles, they proceeded to fell timber and erect log cabins on their

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<sup>42</sup> *Lamar Papers*, IV, pt. I, 241

<sup>43</sup> Statement of Judge J. Frank Low to the author.

respective lands. Until the cabins had been completed the families lived in tents.<sup>44</sup>

Not far from the site chosen by the Fagans for their cabin had lain for many years the wreck of an old Spanish barkantine. This vessel, it is said, had come into Aransas Bay, loaded with specie to pay the military at La Bahia and Bexar. A terrific storm arose which blew the barkantine out of the bay and onto the prairie near a creek which now bears the name of Barkantine or Bergantin. When the storm had receded the ship was left high and dry on land, a considerable distance from the bay. The gold it is said to have carried, and the personal property aboard had long since been looted, but the timber and hardware were sound and usable. The Fagans used the lumber, iron and hardware from this wreck in constructing their home.<sup>45</sup>

Mrs. Annie Fagan Teal, daughter of Nicholas, states that at the time the Fagan and McDonough families settled on the river there was only one other white man in the vicinity. He was a man named Shaw, and the Mexican officials ordered him to depart when they discovered he was not a Catholic. She proceeds:

"Nicholas Fagan built his first house of logs. It was a pretentious two-story affair. He and his sons sawed the logs from trees in the river bottom, and slowly the house was erected. The logs were so heavy that in some cases six yokes of oxen were required to drag them to the building site. The logs were put in place and bolted together. The shingles for the roof were hand-hewn.

"At that time there was a rancho owned by Don Carlos de la Garza on the north side of the San Antonio. A foundation herd of cattle was purchased by the Fagans from Don Carlos. There was not a bushel of corn in the country, because the Indians molested the Mexican settlers so greatly that they could not plant or cultivate food crops. Fagan managed to get some small boats and made his way along the coast to Caney in the Matagorda settlement and obtained a supply of corn. Mill-stones for grinding grain, McDonough brought a hand-mill. When the corn was brought from Caney it was found full of weavils. Necessity drove the settlers to the use of the corn despite its condition, and the weevils were driven out by applying heat, and the grain was husked in lye.

"The Fagans were successful in planting a corn crop for the ensuing season, and also got a supply of wheat from Mexico,

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<sup>44</sup> Teal, *Reminiscences*, 34 Q. 319; Huson, *El Copano*, 6, 14, 17

<sup>45</sup> Huson, *El Copano*, 6; based on William L. Kuykendall *Reminiscences*.

and soon found themselves comfortably situated from provision standpoint."

Shortly after the Fagans and McDonoughs had taken up their lands, several other families located in the river area. Among them were those of Edward Perry, John B. and Anthony Sideck, Peter Teal and Joshua Davis. Captain Hernandez already had a rancho near Mesquite Landing. These families formed a little colony of their own.<sup>46</sup>

In connection with coastal landings of colonists bound for the Refugio colony, an interesting and somewhat amusing fact will be related. The Irish *empresarios*, in letters to prospective settlers from the United States, urged them to come to their colonies as soon as possible, and by way of El Copano. As the coastal waters were not generally known in that day, he directed attention to Live Oak Point as a means of identifying the entrance into Copano bay. Some of the vessels bringing small groups of his colonists, lost their bearings and put into San Antonio or Mesquite bays by mistake. As the point at that place closely resembled the *empresario's* description of Live Oak Point, several groups of colonists landed there. Upon discovering their mistake, they went overland to Fagan's and other settlements on the San Antonio river, else went by boat to historic Mesquite Landing (the *Paraje del Muelle* of Refugio Mission fame). Such is the origin of the name of False Live Oak Point, now in Aransas County.<sup>47</sup>

All of the colonists had now arrived. A few more arrived after June 11, 1834, the date of expiration of the contract. Although some of these late arrivals continued to live in the colony, they did not receive grants from the government. William H. Living and some others bought *solares* from regular colonists and settled in the town. There were some who came and left. Among these were Mordecai Cullen, Peter Keogh, Edward Dray and the McCoys.

In order for the colonists to receive the grants of land, which were the inducements that had brought them to this wild country, it was necessary that the governor send a commissioner to the colony to extend the titles. It appears that such a commissioner, Guajardo, probably a relative of Mrs. Hewetson, had come to Refugio in 1833 or 1834, but he had died without ever issuing a title. Manuel del

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<sup>46</sup> Teal, *Reminiscences*, 34 Q. 319; W. L. Kuykendall, *Reminiscences*; Philip Power, *Memoirs*. Rosalie B. Priour, Martin Tool, and William St. John, *Depositions in Welder-Lambert Law Suit*. See also record in *Withers v. O'Connor*, No. 418, Refugio District Court.

<sup>47</sup> See statement of Will D. Bickford, Martin Tool, *Deposition, Welder-Lambert Law Suit*, 137. There is another legend that Jean Lafitte got the promontory confused with Live Oak Point, and referred to it as False Live Oak Point to distinguish it from "real" Live Oak Point.



Moral was appointed to succeed him, but that worthy declined the honor. Finally, on June 19, 1834, Jose Jesus de Vidaurri, a scion of the notable Coahuilan family of that name, was appointed; and he accepted and immediately came to Refugio.<sup>48</sup>

One of the first official acts of Vidaurri was to appoint four surveyors, some being appointed in writing, others verbally.<sup>49</sup> Eugenio Navarro, of Bexar, had made surveys within the *empresa* in 1832, but did not continue as a surveyor, although he became a colonist. The four surveyors appointed by Vidaurri were Samuel Addison White, afterwards Captain in the Texian army and prominent attorney and district judge;<sup>50</sup> Armand Victor Loupe, afterwards a hero of the Texas Revolution and who was executed with Colonel Zapata during the Federalist War; Isaac Robinson (probably one of the Alamo heroes); and James Bray, who surveyed the Town Tract of Refugio; George W. Cash, who afterwards died with Fannin's men, also did surveying in the vicinity of Goliad.

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<sup>48</sup> Translations, *Empresario Contracts*, General Land Office. *Lamar Papers*, IV, pt. 1, 241, states that Vidaurri came to the colony Aug. 3, 1834; however, this is incorrect, as Vidaurri was unquestionably at Refugio in July.


(See grants of town lots, institution of *ayuntamiento*, Philip Power, *Memoirs*.)

<sup>49</sup> *Power v. Casterline*, Suit No. 95, Refugio District Court

<sup>50</sup> *Taylor, Cavalcade of Jackson County*, 454; *Bissell v. Haynes*, 9 Tex. 556; *Hamilton v. Menefee*, 11 Tex. 718; *Cameron v. White*, 3 Tex. 152; *White v. Hultiday*, 11 Tex. 606, 20 Tex. 679; *White v. Williams*, 13 Tex. 258; *White v. Parish*, 20 Tex. 689; *Tudor v. White*, 27 Tex. 584, 32 Tex. 758; *Sabriego v. White*, 30 Tex. 576.

## CHAPTER IX

### VILLA de REFUGIO

HE EMPRESARIOS Power and Hewetson, as has been seen, obtained the right, in 1831, to establish the capital town of their colony at the site of the extinguished Mission of Refugio, on the north bank of the Mission River. This site had been well known long before the mission was ever moved there.

In aboriginal times the Karankawan Copanes had one of their largest and favorite camps at the place, which in time grew into a permanent village.<sup>1</sup> These facts caused the site to be early known as *Paraje de los Copanes* (or the place of the Copanos).<sup>2</sup> The Spanish also referred to the place as the *Cayo de Aranzazu* (Islet of Aransas)<sup>3</sup>, and soldiers of Spain often camped there. Captain Basterra visited *Paraje de los Copanes* as early as 1747; and there is a tradition, which has persistently existed, that Jose de Escandon selected the place as a site for a *pueblo* and *presidio*. In fact researchers have stated that Escandon did in fact found a pueblo there and install an *ayuntamiento*, but if such records exist, we have been unable to locate them.

After the removal of the mission and *presidio* of La Bahia to Goliad, in 1749, it appears that a traffic almost immediately sprang up between that place and the landings along Copano bay, as these institutions had prior to their removal received most of their supplies by sea from Vera Cruz and Tampico. The sea voyage was more safe and comfortable than the long overland trek to Matamoros. Two roads between El Copano and La Bahia seem to have existed from an early period, one being direct between the two points, and the other by way of Paraje de los Copanes.<sup>4</sup> Because of the scarcity of water and shelter at El Copano, the *paraje* was found to be a comfortable half-way point, and a military outpost was eventually established there. Such a post is mentioned at the place as early as 1781.

The port of El Copano appears to have become generally used as a port for La Bahia and Bexar as early as 1767 and was officially

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<sup>1</sup> Rodnick, *Goliad Missions and their Indians*, 14.  
Martyn, *Geological Report of Refugio Oil and Gas Fields*.

<sup>2</sup> Oberste, *History of Refugio Mission*, 152.

<sup>3</sup> Oberste, *op. cit.* 152.

<sup>4</sup> *Eugenis Navarro's Map*.

made a port by Viceroy Galvez in 1785. By that time smuggling and piracy had grown to such proportions along the coast and in the inland bays that a garrison was stationed at Aranzazu on Live Oak Point, and another was kept either at the *Paraje de los Copanes* or near Mission Bay.

A ranch headquarters of Refugio Mission was established at the Place of the Copanos shortly after 1791. It is possible that the headquarters may have existed prior to that time in connection with one of the Goliad missions. From the time of the establishment of the ranch headquarters the place began to be called, in addition to its earlier names, *Rancho de Santa Gertrudis* and *El Rancho de el Diesmero* (Rancho of the Tithesman). "Here," as Father Oberste states, "were kept the cattle of Juan Barrera, the tithesman of the province."<sup>5</sup>

With the removal of Refugio Mission to this locality, in 1795, a settlement began to spring up, if one was not already in existence at the time. Besides the ranch people, there were soldier families, and these made up no inconsiderable community.<sup>6</sup> In fact, one writer states that a chapel or parish church was maintained for the villa, in addition to the mission church.<sup>7</sup>

When the mission was abandoned in 1830, there appear to have been considerable groups of Mexican and Indian families living at the mission, who were still there in the summer of 1834. Lists of these inhabitants are referred to in various documents pertaining to the empresa, but the lists cannot now be found. Jose Miguel Aldrete, alcalde of Goliad maintained residences both at Goliad and Refugio.<sup>8</sup>

The McMullen and McGloin colonists arrived at the mission in December, 1829,<sup>9</sup> and remained there for a great length of time. These, with the early arrivals of the Power and Hewetson colony, made up a good-sized settlement. On April 21, 1830, Henry Doyle, "a Catholic clergyman and native of Ireland," was authorized to "proceed to the construction of (a) chapel, also of a curate's dwelling at the Mission of Refugio, to minister spiritual succor to the colonists, who establish their residence in that place, taking sufficient ground for a convenient portico, and one-half the value of both buildings shall remain for the benefit of the state."<sup>10</sup> Whether Father

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<sup>5</sup> Oberste, *History of Refugio Mission*, 152.

<sup>6</sup> Oberste, *op. cit.*, 272.

<sup>7</sup> Rodnick, *Goliad Missions and their Indians*.

<sup>8</sup> Philip Power, *Memoirs*.

Angel Navarro to Ayuntamiento of Refugio, February 16, 1835  
Santiago del valle to Political Chief of Bexar, May 25, 1831 (concession of Mission lands for a town). Depositions of Pat Quinn, in *Welder v Lambert Law Suit*; John Hynes, *Deposition*, in *Wood v Linney*, No. 307, Refugio D. C.

<sup>9</sup> Oberste, *History of Refugio Mission*, 339.

<sup>10</sup> *Decree No. 139*, Coahuila and Texas, April 21, 1830.

Doyle completed the project, or moved on with the McMullen colony, is not known.

William St. John describes Refugio when he first saw it, in 1834, as "a mighty small place; only a few *jacals* or huts at that time."<sup>11</sup> Quirk had the only lumber house in town; the others were adobe or paling houses. Dr. Beales describes the place on December 30, 1833, as being "five or six miserable huts."<sup>12</sup>

The first Irish or American families to permanently settle in Refugio were those of John Scott, James Brown and William Ryan, who came there prior to 1829. James Power built a house there in 1830 or 1831. Among the permanent settlers who arrived at Refugio between 1829 and the arrival of the bulk of the Irish colony in 1834 were Catarina Dugan, Ellen Gillam, John Dunn, Jeremiah Toole, Martin Toole, William Quinn, Patrick Quinn, Edward St. John, Michael Fox, William Quirk, John Keating, John Hynes, and Edward McDonough.<sup>13</sup>

Thomas Mullen was living on the western limits of what afterwards became the town tract; and John Malone was living at the head of Treviño creek, later Melon creek, prior to 1834.<sup>14</sup>

Probably the very first act of Commissioner Jose Jesus Vidaurri on his arrival in the colony, in June, 1834, was to establish the *villa* or *pueblo* of Refugio at the site of the old Mission. In doing so, he acted under the provisions of the Colonization Laws<sup>15</sup> and the general Instructions to Commissioners<sup>16</sup> prescribed by the State of Coahuila and Texas, which, in respect to the founding of towns, were modelled largely on the Plan of Pitic.<sup>17</sup> The site already had been designated by the executive, in 1831.

Before proceeding further with the actions of the Commissioners, it will be well for the reader to get some idea of the nature of the *pueblo* which he was about to create and the manner of its political organization and functioning.

When the Spanish or Mexican government deemed it expedient to found a new town, it selected the site, as Commissioners Vidaurri was empowered to do in the case of Refugio and, as a general rule, reserved four square leagues out of the public domain for the purpose and the use of the *pueblo*. The resultant grant was

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<sup>11</sup> Depositions of William St. John in *Welder v Lambert* Law Suit.

<sup>12</sup> Dr. Beales *Diary* in Kennedy, Texas, 397.

<sup>13</sup> Philip Power, *Memoirs*. Depositions of the witnesses in *Welder v Lambert*, and *Town of Refugio v O'Brien*. Depositions of John Hynes, in *Wood v Toups*.

<sup>14</sup> Testimony in *Town of Refugio v. Byrne*.

<sup>15</sup> *Decree No. 190*, Laws of Coahuila and Texas, April 28, 1832, G. L. I, 299-303. *Decree No. 16*, *id.*, March 24, 1825, G. L. I, 125-132.

<sup>16</sup> *Decree No. 9*, *id.* September 4, 1827, G. L. I, 180-183.

<sup>17</sup> *Royal Cedula*, November 14, 1789.



not *to* the town but *for* a town. The land upon which the town was located was originally part of the public domain and remained such, with title in the government, after the "grant" for the town was made and until sales of *solares* or lots therein were made by the government to private individuals. The particular *solares* or lots thus sold became the property of the purchasers, but the title to the remainder remained in the government, charged with a special use in favor of the inhabitants of the town. "*Pueblos* under the Mexican law were simply part of the political government of the country . . . Whatever property they had, incidental to their existence as pueblos, was held as a municipal trust for the public use of the pueblo."<sup>18</sup>

Under the laws of Spain, which were generally followed by those of Mexico, lots in towns and villages in new settlements were granted to the inhabitants with out lots for gardens, parks and pastures . . . The towns were laid off in *solares*, or house lots, and *exidos* (ejidos), or commons, as places of recreation. Adjoining the *exidos* was the *dehasa*, or community lands for the pasture of live-stock belonging to the inhabitants of the town. Beyond the *exidos* were the *proprios*, or lands belonging to the town, the rents of which were used to defray the municipal expenses. Of the land remaining, one-fourth was given to the contractor, and the residue was divided into *suertes*, *porciones*, or lots and distributed among the settlers for cultivation. In towns established by the government the *solares*, *exidos*, *dehasas*, and *proprios* were first laid off, and the remainder of the land was divided into *suertes*, or *porciones*, for distribution among the settlers.<sup>20</sup>

The government of the *pueblo* was invested in its *ayuntamiento*, or town council. Each *ayuntamiento* consisted of the *alcalde*, (mayor), *regidores* (councilmen), *sindico* (secretary), *eguazil* (town marshal or sheriff), and certain other officers. All of these officers were elected by the inhabitants, and it was a punishable offense for one who was elected to refuse to serve. Commissioner Vidaurri was charged with the duty of holding the first election and installing the first *ayuntamiento* of the *villa* of Refugio, which he did, as will be seen.

The *ayuntamiento* had under their charge, by the general laws and by the special laws regulating the action of each particular *ayuntamiento*, the police and good government of the towns or municipalities under their jurisdiction; the health and security of the inhabitants and of the public tranquility; in fact, of all matters pertaining properly to the political and financial government of the said towns and municipalities.<sup>19</sup> Certain of the officers exercised

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<sup>18</sup> Huson, *Refugio Pueblo Grant*, 121.

<sup>19</sup> Huson, *Refugio Pueblo Grant*, 121-122. Holly, Texas.

judicial powers, civil and criminal, and heard and determined causes.

Each *ayuntamiento* within the state was entitled to representation at an annual conference, held by the Jefe Politico of Bexar, and a voice in the election of state officials.

The Colonization Law in effect at the time the villa of Refugio was surveyed, was Decree No. 190, of April 28, 1832, which repealed Decree No. 16, of March 24, 1825, which was in effect when the site was designated by the executive, in 1831. Its salient provisions were as follows:

§ 3.—New Towns.—As soon as thirty families are collected, the formal establishment of the new town shall be commenced on the site most appropriate in the judgment of the executive, or person commissioned by him for the purpose; and four square leagues shall be assigned by him for each new town, whose area may be of regular or irregular figure, as the local situation shall require.

§ 4.—Same.—Should any of the sites designed for founding a new town consist of land already appropriated, and the establishment be of evident general utility, it may be taken notwithstanding, observing the provision made by the constitution in restriction fourth of article 113.\*

§ 5.—Same.—The executive, pursuant to the contract ratified by the empresario, or empresarios, and for the better situation and formation of the new towns, and exact distribution of lands, lots and water, shall commission a person of his confidence, a Mexican born, to act agreeably to the instructions of the 4th of September, 1827 (ante, Art. 48), so far as they are not opposed to this law.

§ 6.—Canals.—In towns which admit of canals (for irrigation), said canals shall be made at the expense of the persons interested. The commissioners shall divide them into channels or drains, procuring to have them made half a vara in width at least, and the same in depth, assigning one for the use of the town, and the rest for that of the fields in cultivation.

§ 7.—Same.—Charges.—In the distribution of lands and waters, the empresario and new settler shall be subject to no other expense than the legal charges paid to the commissioner and surveyor.

§ 8.—Amount of Land to a Family.—To each of the families comprised in the contract mentioned in article 2, one day for.

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<sup>20</sup> Huson, *Refugio Pueblo Grant*, 122-123.

\* Clause 4, article 113, reads as follows: The governor shall not have power to take possession of the property of any private individual or corporation, or disturb him in the possession, use or benefit thereof, unless it should be necessary for a purpose of manifest public utility in the judgment of the executive council, in which case he may do so with the concurrence of the council, and approval of congress, and during the recess of the permanent deputation, always indemnifying the party interested agreeably to the opinion of appraisers chosen by the executive and the said party.

watering, and one labor shall be granted, or two labors, should the land be temporal (and cultivated during ordinary rains), and a lot of sixty yards square, whereon said family shall erect a dwelling within two years, otherwise they shall forfeit the privilege. Should a family have neat stock, horse kind or small stock, exceeding one hundred head of the two former kinds, or six hundred of the latter, and the same shall be entitled to one sitio of grazing land.

§ 17.—Towns Exempt From Taxes.—All new towns shall be free from taxes, of whatever denomination, for the term of ten years, reckoned from the time they are founded, with the exception of those that may be generally levied to prevent or repel foreign invasion.

§ 18.—Settlers in New Towns.—Families that remove to any of the new towns to settle therein shall always be permitted to do so, and in consideration thereof shall be entitled to the privileges granted to new settlers by this law, for which purpose they shall appear before the commissioner, and in his default the respective political authority, that the subject may be communicated to the executive, and their corresponding concession accorded.

§ 34.—Curates for Towns.—The executive, in connection with the respective vicarial ecclesiastics shall take care that the new towns are adequately supplied with curates, and, with the concurrence of the said authority, shall propose their salary to congress, which shall be paid by the new settlers.

The Instructions to Commissioners (Decree No. 9, of September 4, 1827) under which Vidaurri acted, contained the following pertinent provisions:

Art. 8.—He shall form a book in calf, of paper, bearing the impression of the third seal, wherein he shall write the titles of the lands which he distributes to the colonists, specifying their names, the boundaries, and other requisites and legal circumstances; and he shall take from the said book attested copies of each possession upon paper of the second seal, which he shall deliver to the person interested, to serve him for a title.

Art. 9.—Each settler shall pay the value of the stamp paper used in issuing his titles, both in the original and in the attested copy.

Art. 10.—Said book shall be preserved in the archives of the new colony, and an abstract shall be taken therefrom to be transmitted to government, containing the number and names of all the colonists, the quantity of land given to each, expressing

those which are for cultivation, irrigable or not irrigable, and those which are given them for grazing lands.

Art. 11.—He shall select the site most appropriate for founding the town, or towns, which are to be established, according to the number of families of which the colony consists, bearing in mind the provision of the colonization law upon this subject.

Art. 12.—The site destined for the new town having been determined, he shall see that the principal lines run north and south, east and west; he shall designate a square measuring one hundred and twenty varas on each side, exclusive of the streets, to be called the *Principal or constitutional Square*. This shall be the central point from which the streets shall run for forming squares or blocks thereon agreeably to the accompanying plan.

Art. 13.—The block fronting the principal square, upon the east side, shall be destined for a church, curate's dwelling and other ecclesiastical edifices; and that on the west, for municipal buildings or town halls. In another suitable place he shall point out a block for a market square, one for a jail and house of correction, one for a school and other buildings for public instruction, and another without the limits of the town for a burial ground.

Art. 14.—He shall cause the streets to be laid off straight, twenty yards wide, for the salubrity of the town.

Art. 15.—Mechanics who, on the founding of a new town, present themselves to settle therein, shall be entitled to a lot each, to be attended with no expense, except the cost of the stamped paper necessary for issuing their titles, and the small tax of one dolar per annum for building the church.

Art. 16.—The lots mentioned in the preceding article shall be distributed by lot, with the exception of the empresario, to whom two lots shall be given in the site he selects.

Art. 17.—The other lots shall be valued by appraisers, and be sold out to the other colonists according to the valuation. Should there be several applicants for any lot, or lots, on account of their more eligible situation, or other circumstances that may cause competition, they shall decide by lot in the manner provided in the preceding article. The product of the said lots shall be appropriated to building a church in the town.

Art. 18.—He shall proceed, together with the empresario, to have all the inhabitants belonging to the jurisdiction of each town take lots therein, and build their houses within the time specified, under penalty of forfeiting their lots.



Art. 19.—He shall form a book in calf for each new town, wherein the appropriation of lots, whether by donation or sale, shall be recorded, expressing their boundaries, and copies shall be taken upon paper of the corresponding stamp, to be delivered to the persons interested, to serve them as titles.

Art. 20.—He shall execute a topographical plan, comprising the towns founded in the colony, which he shall forward to the government, leaving in the colonial register an exact copy thereof.

Art. 21.—He shall cause a ferry to be established at each crossing of the rivers upon the highways, whereon any town is founded—the flat or boat to be provided at the expense of the inhabitants of the said town, establishing moderate rates of toll, out of which the ferryman shall be paid, the boats repaired, and the remainder added to the public funds.

It will be observed that the Colonization Laws relating to new towns in Texas vary in a number of particulars from the older Spanish and Mexican pueblo plans. A concise summary of these laws is given by the eminent legal author, John Sayles, who states:

“The colonization laws of Coahuila and Texas provided for establishment of new towns. Each town was granted four square leagues of land. All towns were laid off on a uniform plan. A principal or constitutional square, measuring 120 varas on each side was designated. From this as a central point, straight and twenty yards wide, streets were run north, south, east and west. The block fronting the public square on the east side was destined for a church, curate’s dwelling and other ecclesiastical edifices; that on the west for municipal buildings or town halls. Blocks in other places were designated for a market square, jail and house of correction, and for a school and other buildings for public instruction. The burial ground was established within the limits of the town.”<sup>21</sup>

Vidaurre appears to have organized and instituted the *ayuntamiento* of the municipality of Refugio before the surveys of the “Town Proper,” or the four league town tract (*Ejidos*) were completed; and, perhaps, before either of such surveys had been even begun. The illustrious *ayuntamiento* seems to have been installed on or about July 1, 1834, and was certainly functioning on July 27, when Captain Manuel Sabriego came over from Goliad with his troops to quarter them in the mission<sup>22</sup> and, as the old

<sup>21</sup> Sayles, *Real Estate Laws of Texas*, I. 151-152; Sayles, *Early Laws of Texas* I, Arts. 47, 48, 53; quoted in Huson, *Refugio Pueblo Grant*, 128-129.

For a summary of the laws of Spain and Mexico relating to the nature and use of town commons, see Huson, *Pueblo Grant*, 129-134; also *Plan of Pitic*, *op. cit.* Also record and briefs in Cause 3010, *Town of Refugio v Mitchell*.

<sup>22</sup> Manuel Sabriego to Ayuntamiento of Refugio, July 27, 1834.

colonists put it, to attempt to break up the colony.<sup>23</sup> However, the surveys of the pueblo tract were commenced without delay, and titles to the *solares* were begun to be issued in the early part of August.

The "Town Proper," being the residential and business portion of the town tract, was surveyed and platted first. Vidaurri is said to have selected a high level piece of ground for the constitutional plaza and to have placed a large rock for the center thereof. Whereupon James Bray, one of the surveyors, began work, laying off the plaza, the streets, and the town blocks and lots in accordance with the Colonization Laws and the old Spanish customs. There were many colonists at the mission who had nothing particular to do, and many of the men and large boys, among the latter being Thomas O'Connor, then 16 years old, acted as chain carriers for the several surveyors, and otherwise helped to expedite matters.

The solares, or town proper, as surveyed by Bray, are shown on his plat of the four league grant, dated August 1, 1834, a copy of which is recorded in the back of Volume B, page 183, of the Deed Records of Refugio County. The plat shows the town proper to have consisted of forty-nine town blocks, with the Plaza de la Constitution (now King park) in the exact center. The town blocks as surveyed by Bray were each 120 varas (333½ feet) square and were subdivided into four lots, or solares, each 60 varas (166½ feet) square. The streets in each direction were 30 varas (83½ feet) wide, instead of 20 varas as provided by the Colonization Law. The quarter block upon which the present city hall is located was reserved for a market place, although not so specifically designated on the plat.

Although the Bray plat referred to shows forty-nine blocks, it would appear that the original town actually contained 72 full blocks and a tier of 9 half blocks on each the north and south sides, and a tier of 8 half-blocks on each the east and west sides, as is explained in *Huson's Refugio Pueblo Grant*, as follows:

"*Town Proper of the Town of Refugio*: The solares, or town proper, of the Town of Refugio were surveyed by James Bray, one of the colonial surveyors, during the summer of 1834, and are shown on his plat of the four league grant, dated August 1, 1834. (Deed Records, Refugio County, Vol. B, page 183). The plat shows the town proper to consist of forty-nine blocks with Plaza de la Constitution in the exact center. The town blocks, as surveyed by Bray were each 120 varas (333½ feet) square, and were subdivided into four

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<sup>23</sup> Deposition of Edward McDonough, in *Town of Refugio v Byrne*.

lots of solares, each 60 varas (166 $\frac{2}{3}$  feet) square. The streets in each direction were 30 varas (83 $\frac{1}{3}$  feet) wide.

"The Town council of the Town of Refugio on October 10, 1860 (Minutes A, p. 23-24) adopted the following ordinance:

Be it ordained by the Mayor and Board of Aldermen of the Town of Refugio, that for the time being and until otherwise ordained, that the following be considered the limits of the Town proper viz: three Blocks of lots south with their streets, three Blocks of lots East with their streets, three Blocks of lots North with their streets, and three Blocks of lots west with their streets, from the public square each way including the block upon which the Public Square is laid off, making in all seven Blocks of lots square with their streets.

"This ordinance would indicate that up to that time the forty-nine blocks surveyed by Bray for the Town Proper comprised the village part of the town. However, this does not seem to be a fact. Samuel Addison White, who had been one of the surveyors for the Power and Hewetson Colony, testified in the case of *Byrne v. Town of Refugio*, that the Commissioner Jose Jesus Vidaurri, was not satisfied with the plat of the town proper made by Bray, and had him, White, make certain corrections. White did not specify what these corrections were, but from circumstances manifest from inspection of contemporary records it appears they consisted of the addition of a tier of full blocks and a tier of half blocks to the east side of the Bray survey, a tier of full blocks and a tier of half blocks to the west side of the Bray survey, a tier of full blocks and a tier of half blocks to the north side of the Bray plat, and at least a tier of half blocks along the south side, with intermediate streets. Hence, Santiago Street instead of Norte Street became the northernmost street of the town.

"In conformity with the colonization laws the grants of town lots in Refugio were recorded in a calf-bound book, known as the "Libro Becerra." This ancient record is inscribed "LIBRO BECERRO en que consta la adjudicacion de solares de este Villa del Refugio, Colonia Power Y Hewetson, 1834." The municipal records were delivered to the General Land Office upon its establishment in 1836, but the Libro Becerra of Refugio was subsequently returned to the office of the County Clerk, where it now reposes. The book is well filled and as there are grants of town lots from Mexico appearing in the deed records but not in the volume of the Libro Becerra in the Clerk's office, it is possible that there was a second book of town lot grants, which is now lost.

"A check of grants of town lots in the Libro Becerra and in the deed records reveal that the Commissioner issued titles to lots which cannot be placed in Bray's original 49-block plat, but which fall in additional tiers of full blocks and half-blocks. The tiers of half blocks along the outer boundaries of the town proper were undoubtedly added prior to the issuance of titles within the town. This theory is borne out by several sets of circumstances; first, some of the titles issued must necessarily fall within the half blocks, the records showing titles issued to one lot on north side of Santiago Street, several on the south side of South street, and several in the eastern and western tiers; second, the ordinance of the Town Council of 1876, shows that there was a tier of half blocks on north side of Santiago Street at that time; and third, the method of numbering the town lots adopted by the colonial authorities.

"The grants to town lots described them as being a certain numbered lot east or west on a designated street — "*situado en la calle de Purisima numero 14 (P),*"—O standing for "*oriente*" (east) and P for "*poniente*" (west). A line drawn north and south through the center of the Plaza de la Constitution was the base or division line, the lots lying east of it being lots (O) on the designated street, the lots lying west of it being lots (P) on such street.

"The scheme of numbering of lots which seems to have been adopted was by eastern and western sections of streets. Taking the eastern division of a specified street the enumerator would commence numbering lots facing that section of the street with the lot on the north side lying immediately east of the meridional line. This lot was numbered "1", and the lots on the north side of the street were consecutively numbered from left to right to the town limit. The lots on the south side of the east section of the street were then numbered, beginning with the lot lying east of the division line, which was given the next consecutive number after the last number on the north side. This beginning number was usually "11." The lots on the south side of the east section of the street were numbered consecutively from left to right.

"In numbering the lots on the west section of the street, the enumerator began with the lot on the north side of the street lying immediately west of the meridional line. This lot was usually numbered "2". The lots on the north side of the street were numbered consecutively from right to left to the town limit. To number the lots on the south side of the street the enumerator came back to the meridional line, and gave the lot lying west of the line the next consecutive number following the last number



of lots on the north side. This beginning number was generally "12". The lots on the south side were then numbered consecutively from right to left to the town limits. While there are some variations or departures from this scheme of numbering (as in case of the plaza) such would seem to have been the plan followed. Unless such was the method, the beginning numbers "11" and "12" for lots on the south sides of streets would have no logical reason, but would be purely arbitrary. It will be noted that in cases (as in the instance of the plaza, where the beginning numbers are in the lots in blocks east and west and not against the meridional line) that the consecutive numerical order of lots is carried out, although uniformity of numbers is thereby varied. In other words, no numbers were skipped in order to bring about uniformity, there being a lot for every consecutive number.

"Such being true, *the blocks and lots in the southwest corner of the town proper were platted into and across Mission River.* "As finally platted in 1834 Santiago Street was the northermost street, and it seems to have been flanked on the north by a tier of half-blocks. In the Libro Becerra there is to be found the grant to one lot facing this street, and which lot would be in one of the half-blocks.

"The Town Council on July 17, 1876, adopted the following ordinance (Minutes, Vol. 1, pages 28-29)

"be it ordained by the Town Council of Refugio that the following addition be & is hereby made to the present limits of the Town of Refugio be made and added as follows, to-wit, on the Northern boundary line of said Town limits beginning on the Northern boundary line of the half tier of Lots on  $\frac{1}{2}$  Blocks North of Santiago Street adding  $\frac{1}{2}$  half Block thereto running the full length of Northern Boundary of said Town thus leaving thirty varas for a street which is named King Street in honor of King who fell in Refugio County in 1836 for the defence of Texas and North of said King Street another street is hereby laid off and named in honor of Ward who fell also in Refugio County in 1836 in the defence of Texas, leaving a regular block of Lots in accordance with the order of & place of said Town running on the boundary line North of King Street and a tier of Blocks of Lots North of Ward Street running the full limits of the Northern boundary of said Town;

"This ordinance tends to substantiate the theory that the tiers of half blocks were platted to the east and west sides of the town at its beginning."<sup>24</sup>

Having platted the "town proper," the surveyor Bray, under the personal direction of Commissioner Vidaurri, next proceeded to

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<sup>24</sup> Huson, *Refugio Pueblo Grant*, 135-140. Numbering system based on W. L. Rea's explanation.

survey the four square leagues constituting the *pueblo* tract, as provided by the Colonization laws. This work appears to have been completed prior to August 1, 1834. In this work the colonists Michael Fox, John Kelly, and Timothy Hart acted as chain carriers.<sup>25</sup> It appears that Colonel Power later personally supervised the setting of large stones where the surveyor had driven stakes for the four corners of the four league grant, and also had a large stone set on the east line of the survey where it crossed the ancient road from the Mission of Refugio to El Copano.<sup>26</sup> The colonist McDonough relates that on one occasion while Bray was surveying the town tract he espied a black stump, which he took to be an Indian, and fled back into town in great alarm, "which caused at the time a great deal of laughter."<sup>27</sup>

Bray's plat of the four leagues town tract, which has been referred to, shows that he complied strictly with the Colonization law, including within his survey four square leagues of land, and no more, with the Constitutional Plaza in the exact center thereof. The survey is in the form of an exact square with sides of exactly 10,000 varas in length.<sup>28</sup> Because of the fact that, as hereinafter shown, no formal grant was ever made by the Mexican government and the original plats and surveyor's field notes were lost at a very early period, the exact boundaries of the grant have been in a state of confusion and the location of which has been the source of much notable litigation. The west boundary line was early claimed to be 5,363 varas west of the center of the public square, instead of 5,000 varas, as contemplated by the Mexican law.

In some of the litigation referred to, it was contended that when Bray ran his western line, it threw into the four league grant the house and improvements theretofore built by the colonist Thomas Mullen. The Mullen family had been among the earliest arrivals at the mission and among those who had settled on lands taking chances of obtaining title when the Commissioner arrived. It is insinuated that Mr. and Mrs. Mullens, when they discovered that their land was to be included in the town tract with resultant loss of their improvements, waited upon Colonel Power and Commissioner Vidaurri and prevailed upon them to shift the boundaries of the town tract farther east, so as to give them the benefit of their industry.<sup>29</sup> How-

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<sup>25</sup> Deposition of Thomas O'Connor in *Town of Refugio v O'Brien*.

<sup>26</sup> *id.*

<sup>27</sup> Deposition of Edward McDonough in *Byrne v Town of Refugio*.

<sup>28</sup> Huson, *Refugio Pueblo Grant*, 13-15.

<sup>29</sup> Record in *Town of Refugio v O'Brien*

McDonough testified that the Mullens lived in their house until an Indian shot an arrow at Mrs. Mullen, after which they moved to town.

ever such may be, the conflicts between the town and the Mullen grant have been long since adjusted.<sup>30</sup>

After the surveys of the town tract and town proper had been completed, they were approved by Vidaurri, and it is stated that Colonel Power personally took the original and copies to Coahuila and had them approved by the government and brought back to the colony approved copies,<sup>31</sup> which were filed in the archives of the *ayuntamiento*.<sup>32</sup>

The solares were distributed by the Commissioner during the month of July and August, 1834.

#### *Grantees of Town Lots in Refugio*

James Brown, Nicholas Fagan, Robert Patrick Hearn, Edward McDonough, John Malone, John Dunn, Samuel C. Blair, James Bray, Joshua Davis, Martin Lawlor, James McDonough, Lorenzo Ryan, Patricio Fitzsimmons, John Sinnott, James Doyle, Augustine Austa, John Shelly, Michael Fox, Martin Power, John James, James McGeehan, Bridget Quinn, James Dolan, Jeremiah Dolan, William Dolan, Santiago O'Reilly, Ellen Gillam, Isabel Ryan, Edward O'Donnell, Isaac Robinson, John Polan, John Bennett, John Joseph Linn, Robt. W. Carlisle, William Lavery, Catalina Duggan, John Bowen, Walter Burke, Ira Westover, Garrett Roach, John Shelly, Edward Linn, Patrick Samuel McMasters, Michael O'Reilly, William Anderson, Miss Josefa Rios, Joseph Coffin, William Carroll, Cornelius P. Heermans, Phoebe Crain, Thomas Connor, Henry Robert Eyles, Samuel W. McCamly, Miss Maria Byrne, Felix Corason, Solon Bartlett, William Redmond, James Collyer, Pedro Suarte, James Power, James Power, Tomasa Portilla, Thomas Scott, James Reynolds, William Quinn, Miss Elizabeth Hart, William Burk, William Sumner, William McGuill, Patrick Downey, George McKnight, John Scott, Michael Tobin, John Coughlan, Esteban Lopez, Miss Susan Moore Crain, Morgan Brien (Brine), Miss Maria Roach, Martin Murphy, Andrew Brien (Brine), Elizabeth Brien (Brine), Michael O'Donnell, Peter Kehoe, Elkanah Brush, Jose Miguel Aldrete, Patrick Cunningham, William Robertson, Jose Maria Aldrete, Felipe Roque Portillo, Oscar F. Davis, Rafael Garza, Antonio Garza, Juan Pobedando, Antonio Galan, Lino Castillo, Florentine Rios, Trinidad Aldrete, Rafael Aldrete, Jose Maria Castillo, Tomas Galan, Jeremiah Day, James Quinn, Anastacio Reojas, Francisco Portilla, Lucius W. Gates, Antonio

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<sup>30</sup> Record in *Byrne v Town of Refugio*  
Huson, *Refugio Pueblo Grant*, 40-60  
Minutes, *Refugio Town Council* I, 164-165.

<sup>31</sup> Depositions of Edward McDonough, in *Byrne v Town of Refugio*.

<sup>32</sup> Depositions of Edward St. John, in *Byrne v Town of Refugio*.

\* Felix Hart (Heart).

Nunes, Florentino de la Garza, Juan Toole, Martin Fitzsimmons, John Fitzsimmons, James Carlisle, Charles Kelly, John Smiley, Antonio Vina, John Hart, Mrs. Rosa Brown, Eugenio Navarro, James McCown, James Hewetson, Joseph Benjamin Dale, Santiago Serna, Juan Gonzales, John Walmsley, Charles Smith, Mrs. Sarah Hall, Elliott Ward, Simon Kehoe, Henry Winchester, William Lavery, W. De Beauham, Edmund Quirk, Thomas Holden, Edmund St. John, George Morris, Michael Toole, Jerry Toole, John Toole, James Toole, Dominick Toole, Elinor Toole, John McDonough, Green B. Robertson, Augustin L. Fernet, Alfred Alleson, Carlos W. Barlets, Walter Lambert, Domingo Morris, Wilhelm Langenheim, James Power, Franz Dieterich, Patricia Gillam, Jasper Pollan, Anastacia Reyes, Malcolm McAulay, George H. Hall, Michael O'Donnell, Charles Malone, Patrick Bray, Miss Maria Bray, Thomas Mullen, Victor Loupy, John Clark, Michael Fox, Patrick Downey, Richard Downey, John Downey, Timothy Downey, James Downey, John Ryan, Edward McCafferty, Domingo Tool.<sup>33</sup>

After the *solares* had been distributed by the commissioner, a number of persons came to the colony for the purpose of settling. As they could not obtain titles from the government direct, they bought lots and lands from colonists who had already received titles. Among those who acquired town lots from original grantees prior to 1836 were: Lewis Ayers, Sabina Brown, Philip Dimmit, Patrick Downey, Hugh McDonald Fraser, Captain William H. Living, Dr. Alexander Lynch, Ira Westover and Allen White.<sup>34</sup>

The distribution of *solares* in the new town appear to have been by lottery (*Suerte*).<sup>35</sup>

<sup>33</sup> *Libro Becerra de la Villa de Refugio* (deposited in County Clerk's Office at Refugio).

<sup>34</sup> Refugio Deed Records and miscellaneous sources. See *Deed Records A*, 7, A, 45. *Fraser Estate*. Milford P. Norton Papers (Correspondence relative to Fraser estate).

<sup>35</sup> *Record Town of Refugio y Byrne*.



## CHAPTER X

### THE HEADRIGHTS



WHILE James Bray was laying off the town tract of Refugio, another surveyor, Samuel Addison White, was instructed verbally by Vidaurri to run the upper boundary of the Power and Hewetson colony, by running ten leagues up the Guadalupe river and the same distance up the Nueces river, from the mouth of each river, and then run a straight line between the upper points on the rivers, so ascertained. In a law-suit twenty years later, White, who was then a prominent lawyer, testified that he executed the Commissioner's instructions, by running ten leagues up each river, from the mouth of each, beginning on the line of the Guadalupe of its lower or western mouth, not then having satisfactory information of its upper mouth, then running a random line to ascertain the bearing of the upper points so ascertained on the rivers, and then running a direct line between those points. The surveys aforesaid were actually and carefully made. The line up the Guadalupe was reduced to a course very near N. 45° W., and the cross-line or upper boundary was, from the Guadalupe to the Nueces, about S. 48° 30' W. He run the colonial boundary, as aforesaid, in 1834. When witness, as the Colonial Surveyor, at one time attempted to survey east of the Guadalupe river he was prevented by Silvestre de Leon, a son of Martin de Leon.<sup>1</sup>

In an earlier law suit involving the true location of the Power and Hewetson colony, White testified that, in running the upper line, he commenced above the Blanco, on the Nueces, and ran to the upper corner of the town tract of Victoria, on the west side of the Guadalupe, at which time he was stopped by de Leon's son. That Power claimed the right to colonize east of the Guadalupe. In the same suit Fernando de Leon, another son of Don Martin, testified as to the settlement of dispute between de Leon and Power. He stated that the Political Chief at Bexar came down in person and settled the line, giving de Leon the territory between the Lavaca and the Guadalupe and in the forks of the Guadalupe and Coletto, to which Don Martin agreed. The Political Chief then went to Refugio to see Power, who accepted his judgment. Thereafter de Leon issued

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<sup>1</sup> *Hamilton v Menifee* (1854) 11 Tex 718

all the titles east of the Guadalupe and west of the Lavaca, and Vidaurri issued all the titles west of the Coleta and to the Nueces.<sup>2</sup>

The upper boundary of the Power and Hewetson colony extends well into the present county of Goliad, and it was the purpose of the litigation mentioned to locate said line closer to the coast by contending that the ten leagues should have commenced at the Gulf of Mexico. The Supreme Court sustained the line as run by White, and, afterwards, with some variations, by Willard Richardson, deputy district surveyor, of Refugio County, in 1838-1841. Richardson, having more time, made a more scientific analysis than did the colonial surveyor. He ran the two basic rivers the required ten leagues from their mouths; but, instead of running a straight cross-line from the upper ends of the rivers, he ran a third line from the shore of Copano bay, at a point about midway between the two base rivers, and extended that line ten leagues inland and drew lines from the upper points on the two rivers to the apex of the center line.

Judge Hemphill, speaking for the Supreme Court, held that the survey was properly begun on the mainland at the mouths of the rivers, and not from the gulf shores of St. Joseph's Island, as contended for by some of the parties, and that the Mexican government contemplated some kind of regular line for the interior boundary, and "not a paralleling of the coast lines in the midst of an aboriginal prairie." He, however, held the theory adopted by Richardson to have been the correct one.<sup>3</sup>

Having thus determined the boundaries of the colony and the extent of his jurisdiction, Vidaurri then proceeded to have the head-rights surveyed for the colonists. Under the colonization laws,

"*One labor* [177 acres] shall be granted to each family included in the contract, whose only occupation is the cultivation of the soil; and should the same also raise stock, grazing land shall be added to complete a *sitio* [4428 acres], and should the raising of stock be the exclusive occupation, the family shall receive a superficies of twenty-four million square *varas* (being a *sitio* lacking one labor).

"Unmarried men shall receive the same quantity on marrying, and foreigners who marry natives of the country shall receive one-fourth more; those who are entirely single, or do not compose a part of any family, contenting themselves rather with the fourth part of

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<sup>2</sup> *Bissell v Haynes* (1853) 9 Tex 556

<sup>3</sup> *Hamilton v Menifee* (1854) 11 Tex. 718

Note: A *sitio* and a league are synonymous. Each is a square of 5000 *varas*, or 4428 acres. A *vara* is the Mexican base for land measurement and is still used in Texas. A Mexican or Texas *vara* is 33 1/3 English inches in length.

the quantity aforesaid, which shall be computed to them on the assignment of their land.

"Families and single men who, having emigrated separately and at their own expense, shall wish to annex themselves to any of the new settlements, can do so at all times, and the same quantity of land shall be respectively assigned to them, as specified in the two foregoing articles; but should they do so within the first six years from the establishment of the settlement, one labor more shall be granted to families; and single men, instead of one-fourth, as specified in article 15, shall receive one-third."<sup>4</sup>

It may be here observed that the colonization laws were liberally interpreted. Two or more single men could combine together and be considered as a family and receive a joint grant as such. Also a single man who kept servants (as were case of John Dunn and Thomas O'Connor) was considered the head of a family and given rights as such.<sup>5</sup>

In colonial days, which were before the era of artesian wells, permanent water supply for domestic use and livestock was a problem. The only dependable sources were the running streams, which were not overly numerous in a semi-arid country. Article 29, of the Colonization Law of 1832, which was a statement of a long established custom, therefore, provided: "The survey of vacant lands that shall be made upon the borders of any river, running riverlet or creek, or lake, shall not exceed one fourth of the depth of the land granted, should the land permit."<sup>6</sup> It was also provided that no vacancies be left between the tracts.<sup>7</sup>

It will be noted that all headrights in the Power and Hewetson colony were located on some water course. The method used in surveying these headrights was, after computing the quantity to be titled, to arrive at the length of the frontage on the designated water course at approximately one-quarter of the length of the upper and lower lines, and to lay the upper and lower lines of the survey that distance apart without meandering the water-courses, which was impracticable and would have in many instances resulted in absurd consequences. As land was plentiful and of no monetary value and settlers were scarce, great liberality was allowed in making surveys and reasonable amounts of excess in acreage were considered to be

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<sup>4</sup> Colonization Laws of Coahuila and Texas: Decree No. 16. March 24, 1825, Art. 14, 15, 16. The Power and Hewetson contract was made while Decree No. 16 was in effect, and before its repeal by Decree No. 190, of April 28, 1832.

<sup>5</sup> *Hatch v Dunn* (1854) 11 Tex. 708; Warburton, *History of the O'Connor Ranch*, 9.

<sup>6</sup> Decree No. 190, Colonization Law, April 28, 1832, Art. 29.

<sup>7</sup> *Ib.*, Art. 28.

usual and customary.<sup>8</sup> The unit of measurement was the Mexican vara.<sup>8a</sup>

The various colonization laws provided for sales to Mexicans of not exceeding eleven leagues of land "united in the same hands," and the governor also had the right under these and other laws to make headright grants to native Mexicans. The colonization contract of Power and Hewetson further provided, "The said Empresarios are obligated to receive into their colony, all Mexican families, who may present themselves as settlers, provided they possess the necessary qualifications, and, therefore, the inhabitants of Goliad, and others, who have applied to the Government for lands, at that point, can present themselves to the Empresarios, aforesaid, who shall receive them as settlers, *to be included in the number of families they have contracted for.*"<sup>9</sup>

After Commissioner Vidaurri arrived in the colony, it was found that a number of Americans, British, and Germans had come and were seeking admittance as colonists. The original contract limited the colonists to Irish and native Mexicans. The nationals mentioned being desirable as colonists, the empresarios on August 2, 1834, petitioned the executive for permission to admit them as colonists, in lieu of the same number of Irish families, it being stated that the individuals involved had originally intended to settle in other colonies, but preferred to settle in the Irish colony.<sup>10</sup> On August 27, 1834, Governor granted the petition, stating that "the Government admits the families they propose, provided they possess all the qualifications required by law, that they do not belong to any nation at war with the Mexican Republic, and provided also, that they entered the country previous to the 12th of June of the present year, upon which day the contract was made with the Government, of the 12th of June 1828, expired by its own limitation."<sup>11</sup>

The colonists had been waiting for several months for their titles. Some had been waiting for years. In fact, several had grown discouraged and left the colony, not to return. In order to expedite matters, the Commissioner employed four surveyors for the colony, James Bray, Samuel Addison White, Victor Loupe, and Isaac Robinson.<sup>12</sup> George W. Cash of Goliad also made some surveys in the upper

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<sup>8</sup> *State of Texas v. Indio Cattle Company*, 154 SW (2d) 308.

<sup>8a</sup> The colonial method of surveying headrights, and the length of the Mexican vara, were extensively briefed in the celebrated case of *Hornburg, et al. v. O'Connor* 185 SW (2d) 993. The Spanish method of surveying a new town is briefed in the case of *Mitchell v. Town of Refugio*.

<sup>9</sup> *Empresario Contract*, June 11, 1828, Art. 3.

*Empresario Contract*, supplement, May 25, 1831, Art. 4.

<sup>10</sup> *Power and Hewetson to Executive*, August 2, 1834.

<sup>11</sup> *Vidaurri to Power and Hewetson*, August 27, 1834.

<sup>12</sup> *Hornburg v O'Connor*, record.



part of the colony. Bray surveyed the town tract and lands in that vicinity, while White ran the colony lines and surveyed the head-rights on the San Antonio and Coletto. Loupé and Robinson surveyed on the bays and islands.<sup>12a</sup>

The Commissioner between September 1, 1834, and January 1, 1835, issued titles to a total of well over 300 colonists and old Mexican settlers, which grants are located within the present counties of Refugio, San Patricio, Bee, Goliad, and Victoria. In addition to these grants, he issued titles to a large number of leagues purchased direct from the government, and to some of the premium lands to which the empresarios were entitled as compensation.

Under their contract of June 12, 1828, Power and Hewetson were obligated to "introduce into the Territory and settle upon the land", two hundred families, within six years from date of contract.<sup>13</sup> There is little doubt that the empresarios actually obtained and had en route sufficient families, with those of the old Mexican settlers (which were to be counted as colonists) to have satisfied their contract. However, with the loss in the cholera epidemic of from one-third to one-half of the Irish families, it would be hard to determine whether or not 200 families were introduced, when it is considered the construction given by the Mexican Government to the term "family," as hereinbefore explained.

Henderson states of this colony, that "Even though nearly two hundred titles were issued [She evidently did not consider the practice of extending titles to several different individuals in a single document], two hundred families were not introduced, because a large number of the titles were to single men. [Here, too, she overlooks that a single man in some instances was considered to be a family] some were for augmentations of previous grants, and in some cases in all probability the settlers did not occupy the land as the law required," and concludes, "The facts do not warrant the claim that Power and Hewetson fulfilled their contract."<sup>14</sup>

It is submitted that a fair analysis of the facts show that the empresarios substantially fulfilled their contract. Present day Refugio County is living testimony to a durable achievement, accomplished under most adverse and discouraging conditions.

As has been stated, the Congress of Coahuila and Texas, on March 22, 1832, conceded to Power a three-year additional term

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<sup>12/1</sup> Testimony in *Town of Refugio vs. Mitchell*.

<sup>13</sup> *Empresario Contract*, June 12, 1828, Arts. 2, 5.

<sup>14</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 12.

<sup>15</sup> *Decree No. 184, Laws of Coahuila and Texas*, 185, G. L. I, 295-296.

within which to effect the colonization settlement.<sup>15</sup> But in April, 1833, the Congress rescinded the extension on the ground that it had been made contrary to Article 9, of the General Colonization Law of August 18, 1824.<sup>16</sup> However, the attitude of the government does not appear to have been extremely unjust, as in February, 1834, the Congress enacted a decree whereby "eight sitios of land are hereby granted to each of the empresarios, Santiago Power and Santiago Hewetson, of the vacant lands of the state, as an indemnification for the expense they have incurred in virtue of the contract which they entered into in 1828; *provided, that at the expiration of the term they shall not have been able to fulfill their engagement*"; and provided further that the grants be not located on lands disputed by the town of Goliad, without its consent.<sup>17</sup> Considering the fact that the Colonization Law of March 24, 1825, gave "the contractor or contractors" only five sitios of premium lands for each 100 families introduced by them,<sup>18</sup> the provision of 1834 seems to have been most generous.

The *empresarios*, it would seem, never received grants to the full quantity of premium lands to which they were entitled. Several of the leagues were surveyed and titles issued thereto as one of the last official acts of Commissioner Vidaurri. However, some of the locations selected by the *empresarios* were in the vicinity of Goliad; and, the *ayuntamiento* there protesting, Vidaurri declined to issue the grants. The *empresarios* were unable to make other locations before Vidaurri left for Mexico. During the latter days of December, 1834, Vidaurri received word of the death of some of his family. He left the colony never to return in an official capacity. No other commissioner was ever appointed in his stead. Political turmoil and revolution intervening, the *empresarios* were prevented from getting relief from the Mexican government. On January 22, 1872, the heirs of James Power brought a suit against Governor Edmund J. Davis for the purpose of obtaining from the State of Texas the balance of the premium lands not received from the Mexican government. The courts denied their prayers.<sup>19</sup>

On November 13, 1835, the General Consultation adopted a plan for a provisional government for Texas, which included as its Article XIV the following provision:

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<sup>15</sup> Decree No. 226, *Laws of Coahuila and Texas*, 211-212, G. L. I, 321-322.

<sup>17</sup> Decree No. 253, *Laws of Coahuila and Texas*, 230-231, G. L. I, 340-341.

<sup>18</sup> Decree No. 16, *Laws of Coahuila and Texas*, Art. 12, p. 17, G. L. I, 127.

<sup>19</sup> Philip Power, *Memoirs*.

*Power v State* (1874) 41 Tex. 102.

*Welder v Lambert*, record in trial court, and 91 Tex. 510, 44 SW 281; 45 SW 1132.

"That all land commissioners, *empresarios*, *surveyors*, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operation during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established," etc.<sup>20</sup>

A similar provision was contained in the Constitution of the Republic of Texas.<sup>21</sup>

Thus officially, as well as factually, ended the colonial *empresario* system, and the Power and Hewetson colony.

### *Settlers In Power & Hewetson Colony*

Jose Miguel Aldrete, Jose Maria Aldrete, Rafael Aldrete, Trinidad Aldrete, Alfred Allison, John Anderson, William Anderson, Augusta Austa, Tomas Banuelos, Joseph Bartlett, Solon Bartlett, Carlos W. Bartels, William Bartels, John Andrew Baumacker, W. D. Beauhan, Caleb Bennett, John Bennett, Jose Maria Blanco, Samuel Blair, John Bowen, James Bray, Mary Bray, Patrick Bray, James Brown, Leonard Brown, Rosa Brown, Bradford Brush, Elkanah Brush, Gilbert Russell Brush, James Burke, Walter Burke, William Burke, Mary Byrne, Dr. John Cameron, Dolores Carbajal, James Carlisle, Lawrence Carlisle, Robert Carlisle, William Carroll, George W. Cash, John Cassidy, Jose Maria Castillo, Lino Castillo, Ignacio Castro, John Clark, Jose Ma. Cobarrubias, Gregorio Cobian, Guadalupe Carmargo Cobian, Jose Esequito Cobian, Maria Soledad Cobian, Joseph Coffin, James Collyer, Matthew Collyer, Richard William Collyer, Felix Corason, John Coughlin, Phoebe Crane, Susan Moore Crane, William Crane, William Cunningham, Joseph Benj. Dale, Hugh Dale, John Daly, Joshua Davis, Oscar F. Davis, Jeremiah Day, Andrew Devereaux, Frances Dietrich, James Dolan, Jeremiah Dolan, William Dolan, James Douglas, Domingo Downey, Frances Downey, James Downey, John Downey, Patrick Downey, Sr., Patrick Downey, Jr., Richard Downey, Thomas Downey, Timothy Downey, James Doyle, Catalina Dugan, John Dunn, Henry Robert Eyles, James Fagan, John Fagan, Nicholas Fagan, Augustin L. Fernet, John (1) Fitzsimmons, John (2) Fitzsimmons, Matthew Fitzsimmons, Martin Fitzsimmons, Patrick Fitzsimmons, Juan Flores, Michael Fox, Antonio Galan, Tomas Galan, Pedro Gallardo, Antonio de la Garza, Carlos de la Garza, Cayetano Garza, Florentino Garza, Jacinto M. de la Garza, Juan Garza, Juan Jose Garza, Julian de la Garza, Rafael de la Garza, Lucius W. Gates, Ellen Gillam, Patricia Gillam, Maximo Gomez,

<sup>20</sup> *Journal of Consultation*, Art. 14, p. 37, G. L. I, 541-542.

<sup>21</sup> *Constitution of Texas, 1836*, General Provisions, Art. 10, G. L. I. 1081.



Francisco Gonzales, Juan Gonzales, Antonio Goseacochea, William Gould, George H. Hall, Sarah Hall, Elizabeth Hart, Felix Hart, John Hart (II), Luke Hart, Mary Hart, Patrick Hart, Timothy Hart (1), Timothy Hart (2), Cornelius Hays, Thomas Hays, James Hearn, Robert Patrick Hearn, Cornelius Philip Hermans, Manuel Hernandez, James Hewetson, William Hews, Nathaniel Holbrook, Thomas Holden, William Holly, William E. Howth, Pedro Huizar, John Hynes, Peter Hynes, John James, John Keating (1), John Keating (2), Michael Keating, Peter Kehoe, Simon Kehoe, Charles Kelly, John Kelly, Walter Lambert, Wm. Langenheim, William Lavery, Martin Lawlor, Jesusa De Leon Manchola, Edward Linn, John Joseph Linn, Esteban Lopez, Arnand Victor Loupy, Juan Macias, Marcos Marchand, Charles Malone, John Malone, Michael Martin, Miguel Menchaca, Domingo Morris, George Morris, Augustin Moya, Juan Moya, James Henry Mullen, Thomas Mullen, Edward Murphy, James Murphy, Martin Murphy, William Murphy, Miguel Musquiz, Malcom McAuly, Edward McCafferty, Samuel W. McCamley, J. McCown, James McCune, Edward McDonough, John McDonough, James McGeehan, William McGuill, George McKnight, Patrick S. McMasters, Eugenio Navarro, Desiderio Nira, Antonio Nuñez, Elizabeth O'Brien, Hugh O'Brien, Isabella O'Brien, Morgan O'Brien, Daniel O'Boyle, John O'Boyle, Charles J. O'Connor, James O'Connor, Thomas O'Connor, Edward O'Donnell, Michael O'Donnell (1), Michael O'Donnell (2), Daniel O'Driscoll, Patrick O'Leary, James O'Reilly, Michael O'Reilly, Francisco de la Peña, Benjamin H. Perkins, Edward Perry Juan Pobedando, Jasper Pollan, John Pollan, Calixto Portilla, Roque Felipe Portilla, Encarnacion Portilla, Felipe Portilla, Jr., Francisco Portilla, Juan Portilla, Jose Maria Portilla, Tomasa Portilla, James Power, James Power, Jr., Martin Power, Bridget Quinn, James Quinn, John Quinn, Patrick Quinn, William Quinn (1), William Quinn (2), Edmund Quirk, Michael Quick, Thomas Quick, Francisco Ramon, William Redmond, Michael Reilley, Juan Reñer, Ynez Reñer, Anastacia Reojas, Anastacia Reyes, James Reynolds, Florentino Rios, Maria Josefa Rios, Ann Roach, Garrett Roach, John Roach, Maria Roach, Green B. Robertson, William Robertson, Isaac Robinson, Francisco Rodriguez, Jose Marie Rodriguez, Leonardo Rodriguez, Isabel Ryan, John Ryan, Lorenzo Ryan, Edmund St. John, James St. John, William St. John, Miguel de los Santos, Pedro Villa Sarates, George Sarates, John Scott (1), John Scott (2), Thomas Scott, Lazaro Serna, M. L. Serna, Santiago Serna, Charles Shearn, John Shearn, John Shelly, Patrick Shelly, John M. Sherry, Joseph Lewis Sherry, Anthony Sidick, John Baptist



Sidick, John Sinnot, John Smiley, Charles Smith, Pedro Suarto, William Sumner, Peter Teal, Michael Tobin, Dominic Toole, Elinor Toole, James Toole, Jeremiah Toole, John Toole, Martin Toole, Michael Toole, Victoriano Torres, Edward Townsend, Josefa Maria Traviezo, T. Vairin, Jose Antonio Valdez, Jose Maria Valdez, Pedro Valdez, Jose Vidaurri, Pedro (Serates) Villa, P. Villareal, Sacarias Villareal, Antonio de la Viña, James Walmsley, John Walmsley, Elliott Ward, Ira Westover, Williams, Hy Winchester, Jose Maria Cobian, James McDonough.<sup>22</sup>

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\* Felix Corason (Heart) Felix Hart.

<sup>22</sup> *Abstract of Titled Lands*, issued by General Land Office (see early ones).

## CHAPTER XI

### AYUNTAMIENTO OF REFUGIO



THE Very Illustrious Ayuntamiento of the Municipality of Refugio (which was its official title) had a short but *hectic* existence. It was installed by Commissioner Vidaurri, after an election of the inhabitants,<sup>1</sup> on or about July 1, 1834. Despite the fact that there was no special decree of the Congress of Coahuila and Texas authorizing it (as was the case with San Patricio and other colonial municipalities),<sup>2</sup> there can be no doubt as to the legality of its existence. It was recognized by the Political Chief at Bexar and by other public officers.

In the removal of the *ayuntamiento* to Goliad during the revolution and as the result of the many raids on Refugio between 1837 and 1845, the archives of the municipality have become lost or destroyed so that it is difficult to now reconstruct an accurate account of its proceedings or the names and tenures of its offices. As said by Edmund St. John, "The archives and records of the town were greatly scattered and in the year 1841 Raid of September 1 the Mexican robbers, who took several of the citizens prisoners, took off and destroyed many valuable papers, scattering over the prairie what they did not take along with them."<sup>3</sup>

From its incipency until the revolution the *ayuntamiento* appears to have been embroiled continually with the authorities at Goliad. As has been stated, the old *grandees* of Goliad did not look with favor upon the Irish colony, as many of these old Mexican settlers had established ranches all over the *empresa*, with hope of getting titles from the government. Naturally they resented the idea of giving up these possessory claims, and particularly to foreigners. It would seem that they through the authorities and military at Goliad exerted themselves to be just as disagreeable as possible to the new-comers.

Sometime during the month of July, 1834, when the colonial surveyors were beginning to survey the boundaries of the *empresa*, the *ayuntamiento* of Goliad made an order whereby it prohibited

<sup>1</sup> Philip Power, *Memoirs*.

Huson, *Refugio Pueblo Grant*.

Depositions of Sabina Brown, Thomas O'Connor, Edward St. John, Edward McDonough, Edmond St. John, Testimony of Samuel Addison White, John J. Linn and Edward McDonough, in *Byrne v Town of Refugio*.

<sup>2</sup> Decree No. 283, Coahuila and Texas, April, 1834, G. L. I. 384.

<sup>3</sup> Depositions of Edmond St. John in *Byrne v Town of Refugio*.

the Commissioner of the Irish Colony from proceeding further with his duties until such time as the government could consider and act upon the matter. The basis for this order was that no one had informed the Very Illustrious Ayuntamiento of Goliad of the origin or extent of Commissioner Vidaurri's purported powers, and so far as Goliad officials were concerned he was a mere usurping upstart who was vexing citizens of that municipality and interfering with their property rights.<sup>4</sup> This far-reaching order was placed in the hands of Captain Manuel Sabriego, of the garrison of Goliad, for enforcement.<sup>5</sup>

On July 27, 1834, Captain Sabriego with a body of troops appeared at Refugio and delivered the order to Vidaurri. Intending to remain in the pueblo to see to it that the order was obeyed, Sabriego demanded possession of the mission that he might quarter his troops there. The mission at the time was being used as offices for the colony and headquarters for the *ayuntamiento*. Vidaurri and Power were the first approached by Sabriego, and they declined to vacate on the ground that they were lawfully in possession by permission of the *ayuntamiento*. The belligerent *captain* then rounded up the Very Illustrious Ayuntamiento to whom he handed the following demand:

*The Military Commandancy of Goliad*

On this date I said to the Citizen Empresario Santiago *Poder* the following:

Not knowing who has given you, or anybody else, the use of the Church of this ex-Mission, and since it was turned over to me so that it might be used as a barracks by the troops which should be stationed in this place, because water and other resources are lacking at El Copano, and since the Church already spoken of is under my authority, I trust that you and whoever else is using it will kindly vacate it for the purpose referred to.

And the Empresario having replied that you are the ones who let him have it, I trust you will be so good as to order that it be vacated, so that the troops already mentioned may be put there, for I believe that the said Church has never had any connection before now with this municipality.

God and Liberty, Refugio, July 27, 1834

MANUEL SABRIEGO (Rubric)

To the Illustrious Ayuntamiento of this Town.

A meeting of the *ayuntamiento* was quickly convened, at which

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<sup>4</sup> Henderson, *Minor Empresario Contracts*, 32 Q. 12.

<sup>5</sup> Philip Power, *Memoirs*.

Colonel Power and Commissioner Vidaurri attended. Not knowing to what lengths the captain would go, as he was verbally threatening to use force and to "break up the colony," the town council on the advice of Power yielded and the troops took possession of the mission. The troops remained in and around Refugio until it was unofficially learned of the decision of the state government in the matter.<sup>6</sup>

Vidaurri promptly made representations to the governor, by memorial dated August 1, 1834. The state government reached a decision on August 28 and transmitted it to the Political Chief at Bexar for observance and execution. After a long delay he addressed the following document, dated February 11, 1835, to the Very Illustrious Ayuntamiento of the Town of Refugio:

*Gefeturia Politico de la Departmientto de Bexar*

The Lord Secretary of State of the Supreme Government of the State under date of 28th of August last past, has been pleased to direct to this Gefeturia, this which I copy:

"His Excellency the Governor of the State having taken into account a documentary representation directed to him under date of 1st August just past, by the citizen Jose Jesus de Vidaurri, commissioned by the government for the colony of Irishmen of which James Power and James Hewetson are empresarios, complaining of the Ayuntamiento of Goliad, for having interrupted him in the discharge of his duties, under the pretext that he did not present to them the orders under which he acted, and that in discharging his functions, he had vexed certain persons of the municipality of Goliad who had property within the demarcation set apart for the Empresarios. For the purpose that they may fulfill their contracts the following articles have been resolved, first, the Citizen Jesus Vidaurri is commissioned by the government for the establishment of the families contracted for by the Empresarios Power and Hewetson, appointed legitimately, formally, and in conformity with the laws, second, that the Ayuntamiento of Goliad has no right to interfere with the functions of the commissioner not even under the pretense of securing or protecting the property of those persons, which property had not been attached by the commissioner nor by the colonists, third, the commissioner will for no motive give possession to the colonists, nor empresarios, nor to any other person upon the property belonging to citizens of Goliad which may be found within the limits of the ten littoral border leagues which the empresarios have contracted to colonize,

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<sup>6</sup> Philip Power, *Memoirs*.



because the contract is solely for the vacant lands, fourth, the commissioner has the right according to the instructions of the 4th of September, 1827, to install the Ayuntamiento which may be necessary to establish and create the town and settlement which may be formed totally independent of Goliad, fifth, the government having notice that the aboriginal tribe of Carancahuas have been offered by the citizen James Power a yoke of oxen and utensils to work the land which belongs to said Indians of the ex-Mission of Refugio, that the commissioner will see that this offer of said Empresario be complied with religiously, providing that said Indians shall live in the body of the old Mission, sixth, the Mexican families who may live in the ex-Mission of Refugio in condition of neighbors (Arimados) shall be considered by the commissioner for their protection and secured in the properties they may have acquired; all of which I have the honor to communicate to you by order of his excellency for your information so that you on your part will compel the Ayuntamiento of Goliad, to suspend or desist from their proceedings respecting the commissioner of the Supreme Government in the exercise of his attribute."

Which I send to you so that it may be with exactness complied with by you on that part which refers to you, publishing it so that it may be known to the inhabitants.

God and Liberty, Bexar, February 16, 1835.

ANGEL NAVARRO

Very Illustrious Ayuntamiento of the Town of Refugio.

At the time this interesting communication was received by the addressee, all titles to colonists had been issued and the Commissioner had returned to his home in Mexico.

The first *ayuntamiento* of Refugio was composed of Martin Power, *alcalde*, and James Brown, Joshua Davis, and probably Santiago Serna and John Dunn, *regidores*. The *sindico-procurador* was probably Martin Lawler.<sup>7</sup> Under the laws of Coahuila and Texas, "to be a member of the Ayuntamiento it shall be required to (be) a citizen in the exercise of his rights, over twenty-five years of age, or twenty-one being married, an inhabitant within the jurisdiction of the Ayuntamiento, with three years residence therein, one year immediately preceding their election, to have some capital or trade whereby to subsist, and to be able to read and write." The *alcaldes* were to be replaced every year, as well as one-half of the number of the *regidores* and *sindicos procuradores* (if there were two. If there was only one *sindico* he was replaced every year). A person holding these offices could not be re-elected until two years "from having

<sup>7</sup> Philip Power, *Memoirs*.

ceased therein." The elections were held on the first Sunday in December to take office the second Sunday. No one could decline to serve if elected.<sup>8</sup>

It will be seen that an election of members of the Refugio *Ayuntamiento* was due the first Sunday in December, 1834, or within six months after installation of the initial members. Whether officers were elected then or not, is not clear. During the early part of 1835 John Dunn and James Brown were acting *alcaldes*, at different times. In 1835 Dunn sometimes subscribed himself as *alcalde*. Ira Westover was a *regidor*, and Martin Lawler was *sindico*.<sup>9</sup>

The Coahuiltecan laws provided for corps of civic militia to be established in all towns of the state, such corps to compose the military force of the state. "No *Coahuil-Texano* can decline lending said service when required by law, and in the manner it provides."<sup>10</sup> The colonization contract obliged the empresarios to organize the National Civic Militia in full compliance with the law.<sup>11</sup> James Power was *coronal teniente* (lieutenant colonel) of the Refugio militia.

The colonial militia appears to have been organized in the Fall of 1834, with Ira Westover as captain,<sup>12</sup> but was disbanded in virtue of the federal law of March 31, 1835, providing that the number of the state militia in all states should be reduced to one militiaman to every 500 inhabitants, which destroyed the civic militia of the colony. We find the *ayuntamiento* pleading with the Jefe Politico at Bexar for appointment of a judge and authority to organize the civic militia.<sup>13</sup>

Under the Constitution of the State of Coahuila and Texas, deputies, or representatives, from the several electoral districts throughout the state, to the State Congress, were elected by district electoral assemblies composed of electors, or delegates, chosen by the citizens in the respective assemblies, as was done in the case of the governor, vice-governor, and councillors. The district electoral assemblies was held in the capital of the district, which in the case of the municipality of Refugio was the old town of Bexar. The delegates to the district assemblies were chosen at municipal electoral assemblies, "composed of citizens in the enjoyment of their rights, domiciliated and resident within the limits of the respective Ayuntamiento. No person of this class shall decline attending the same." The municipal assemblies were held on the first Sunday in August

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<sup>8</sup> Constitution of Coahuila and Texas Arts. 155-167.

<sup>9</sup> Philip Power, *Memoirs*. See deed Phoebe Crain to Lucius W. Gates, March 22, 1835. Refugio Deed Records A.

<sup>10</sup> Constitution of Coahuila and Texas, Arts. 211-214.

<sup>11</sup> *Empresario Contract*, June 11, 1828, Art. 8.

<sup>12</sup> Philip Power, *Memoirs*.

<sup>13</sup> *Ayuntamiento of Refugio to Jefe Politico at Bexar*, May 13, 1835.

and the day following and were presided over by the *alcalde* or the chief of police. The law required that the electors be of twenty-five years of age and upwards and to have been domiciliated in the same district for at least one year immediately preceding the election. The district electoral assemblies were held about the middle of September of each year.<sup>14</sup>

While the municipalities of Goliad and San Patricio, among others, had electors in the District Electoral Assemblies at Bexar in 1834 and 1835, the municipality of Refugio does not appear to have been represented. This was probably due to the fact that in 1834 there were few of its citizens who possessed the constitutional requisites of municipal electors, and, again, the *ayuntamiento* having been installed only in July previously, it had pressing local matters to engross its attention. When the time for election arrived in August, 1835, political affairs were in a turmoil and war was imminent, being in fact but a month away. In May of that year the Congress of the state had been dissolved by General Cos at the points of bayonets, and on election day the constitutional governor Viesca was repining in prison in Monterrey. Evidently the local electors did not deem it worth while to send delegates to Bexar.

However, the fragmentary archives of this municipality reveal that the Jefe Politico at Bexar forwarded to the Refugio *ayuntamiento*, along with the others, reports of the proceedings of the District Electoral Assemblies for both years.<sup>15</sup>

Several causes appear to have been tried before the *ayuntamiento*, one being a suit for wages brought by S. A. White. The archives of

<sup>14</sup> Constitution of *State of Coahuila and Texas*, Arts. 47-77; 129-138.

<sup>15</sup> Archives of Ayuntamiento of Refugio (in Refugio County Clerk's Office) a Juan N. Seguin, Jefe politico, to Refugio ayuntamiento, dated Bexar, Dec. 1, 1835; announces appointment of Angel Navarro as his successor and thanks local for their cooperation; b Angel Navarro, jefe politico, to Refugio ayuntamiento; dated Bexar February 11, 1835; transmits copy of decree relative to election to be held for electoral assembly to elect diputado; c Manuel Barrera, juzgado civil, to Refugio ayuntamiento, dated Goliad, Dec. 28, 1834; forwards serious complaints of one of the citizens at Goliad; d Complaint of Dolores Saenz, widow of Nicolas Carbajal, of disregard of her titles by Power. Notation (of ayuntamiento of Goliad) that all proceedings on part of either Power or the Viuda are suspended pending action of the government. Angel Navarro acknowledges receipt, Feb. 12, 1835; e Manuel Sabriego, condte. of Goliad, to Refugio ayuntamiento, Dated Refugio, July 27, 1834; f He demands possession of the mission of Refugio for his troops; f Angel Navarro, to Refugio ayuntamiento, dated Bexar, January 26, 1835; transmits list of candidates eligible to become electors; g Report of meeting of assembly at Bexar, Jan. 25, 1835; Municipalities represented. Bexar (el senior), Goliad, Guadalupe, San Patricio (2); Attested by Angel Navarro, Jose Ma. Flores, Nicolas Flores, Roberts Galan, Eduardo Linn, Tomas Adams, George O'Docherty and Ygnacio Arocha; h Jose Ma. Valdez, to ayuntamiento, de la Mission, dated Goliad January, 1835; invitation to attend patriotic celebration at Goliad on 12th inst. "Will be held with splendor and speeches."; i Juan N. Sequin to Ayuntamiento de Refugio, dated Bexar, Sept. 15, 1834. Announcement of inauguration of Governor Elguezabel, and advice of unrest along the Rio Grande against the government; j Angel Navarro to John Dunn, dated Bexar, Feb. 12, 1835; opinion that time for nominations of alcaldes cannot be extended and that old alcalde cannot claim office, neither can the commissioner be an alcalde; k Angel Navarro to Ayuntamiento Refugio, dated Feb. 12, 1835; acknowledges receipt from Goliad of list of those qualified to be voted on for the ayuntamiento Jose Jesus Vidaurri disqualified, and cannot serve on ayuntamiento as he is in colony on government business; l Fragment, addressed to ayuntamiento Refugio. Badly mutilated cannot be read, m Angel Navarro to Ayuntamiento Refugio, dated Bexar, April 13 or 24, 1835; transmits copy of instructions of Supreme Government dated April 9, 1835, relative to plan of Cuernavaca and the revolutionists of Leona Vicario; n Angel Navarro to ayuntamiento Refugio. Dated Bexar, 1835 (month obliterated) Printed decree confirming elections by electoral assemblies of Bexar, etc., held Feb. 9, 1835, and

the *ayuntamiento* have disappeared, but among the *Milford P. Norton* Papers appears the following interesting document, written on stamped official paper, and which at one time must have been part of the municipal archives:

To the Señor Alcalde (Acting) in turn:

Santiago Hewetson, Empresario of this Colony appears before your Honor and lodges certain protests regarding which he states: That on the night of the second day of the present month of September my person was attacked in the house of the Commissioner Citizen Santiago Reily by citizen Mordocao Cullen who gave me serious facial blows on the hair (gray hair) and head which could have caused death or damage to my senses, for the reason that he found me under the influence of liquor which I had taken with some friends and on account of his hidden resentment because as an empresario I did not concede to his ambitious demands. To this injury there is to be added the defamation which he caused on this same occasion imputing (to me) the crime of defrauding the colonists and the government; bringing to the first (named) discord and discontent and a belief in such calumnies with offense to our honor.

Nor are these the only offenses of the citizen Cullen. He publicly threatened one of the Regidores because he would not accede to his many individual demands; and on various occasions he has stirred the town with the purpose to oppose the empresarios, so that these transgressions became serious to that office (of empresario). Without a doubt your Honor should know the seriousness of these (things), and for which reason I accuse (him) before your Honor in due form under oath.

I petition on account of your integrity to serve - - - be by receiving this summary information and introduce this cause according to law. I demand to prove what it contains, and (after hearing the) accusation which I ask (to be done) in good faith, there be applied the merited penalty.

Refugio, September 9, 1834

Santiago Hewetson

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announcing results; Augustin Viesca, governor, Ramon Musquiz, vice-governor, *propietarios consejeros*, Marcial Barrego, Jose Ma. de Uranga, Miguel Falcon, *consejeros suplentes*, Bartolome de Cardenas, Eugenio Navarro: *o* Printed decree, dated Monclova, March 20, 1835, pertaining to election of Feb. 9, 1835, signed by Jose Anto. Tijerina, Andres de la Viesca y Montez, *deputado secretario* James (Diego) Grant, *deputado*, Jose Ma. Cantu, Jose Benito Comancho y Estrada, *oficial segundo*. Endorsed for transmittal by Angel Navarro to Ayuntamiento de Refugio for observance, April 30, 1835; *p* Printed decree, dated Monclova, March 30, 1835, ordering that 400 sitios of grazing land be sold according to the law of March 14, 1835. Signed by Jose Anto. Tijerina, etc. Endorsed for transmittal by Navarro to Ayuntamiento de Refugio, April 20, 1835; *q* Printed decree, dated Monclova, April 4, 1835: Declares Juan Toler to be a citizen. Signed by Jose Ma. Mier, *presidente*, Diego Grant, *Deputado sec.*, Jos Ma Carbajal, *deputado sec.*, Marcial Barrego and Jose Ma. Faleon. Forwarded by Navarro to Ayuntamiento Refugio, April 23, 1835, with instructions to publish; *r* Report of meeting of electoral assembly at Bexar, Feb. 8, 1835, as ordered on Dec. 16, 1834, Angel Navarro, *presidente*, Refugio de la Garza, Miguel Arciniega, Ramon Musquiz, countersigned by Zambrano and Flores; *s* Angel Navarro to Ayuntamiento Refugio, dated Bexar, Feb. 11, 1835; Alcalde at Goliad has protested because not informed of Vidaurri's appointment as commissioner. The *jefe politico* has cited him to six articles of the colonization law.



For presented and admitted I James Browne first regidor and now acting Alcalde in turn on account of impediment on the part of the first, do receive the *antecedent* accusation and ordain that the offered information shall be given to the petition, and in virtue of this decree the party accused is notified. Therefore in the presence of witnesses I sign.

James Brown  
red.

test

John Dunn  
Joshua Davis

In pursuance of the preceding I have notified the plaintiff and having read the foregoing decree he answered that he was apprised and fully understood its contents, and therefore in presence of witnesses he has signed with me on the same day and date.

James Brown 1st red.

Joshua Davis

Santiago Hewetson

Cullen did not become a colonist, nor receive a headright, but left the colony and settled in Philadelphia, where he became a physician.<sup>16</sup>

That the ayuntamiento was still having its troubles with the authorities at Goliad is evidenced by the following document, dated May 12, 1835, addressed (probably) to the Jefe Politico at Bexar. The document was furnished the author by Mrs. C. O'Leary, a granddaughter of the alcalde John Dunn Don.

In the town of Refugio, on the 12th day of March 1835, and united all in the usual place, our Illustrious Magistrates, John Don [Dunn] Yzarretorrea, 2nd Governor director and Martin Laula [Lawler], recorder who opened the session, and manifested there, all the damages and harm caused incessantly to this town by individuals residing in the town of Goliad, we here only refer to the most recent offense occurring but yesterday. Our recorder who made a trip to Goliad with the consent of this corporation, to solicit the Government mail, wherein is stated the delays caused it. We were anxiously awaiting to know if the Honorable magistrates kept in mind the few means we have of assisting or defending ourselves, for tho' several have been there with the purpose of bringing their families, have called for the Government mail, and were told by the person in charge there, that it was very true that Government mail had arrived by the last mail, but that

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<sup>16</sup> Rosalie Priour, *Depositions*, Welder-Lambert Law Suit.

Thomas G. Western, a foreigner and merchant of the town called for all the mail. They then went directly to this man in order to secure mail, and he replied to them that he had forwarded the mail by one foreigner, who he knew not, infact did not even know his name. These documents we have not received nor do we know where to go in order to secure them. (Stating herein that in no time has he had power from this corporation to act in this manner) We write this here as facts, and forward to you in order that you may punish this person as the law requires in this case, being of no less importance, the views that this act has caused us to take upon the same matter, we have forwarded to you since last January up to date several documents, to which we have not received any reply from you. We have not known the cause of the delay, only if it could be caused by you disliking the manner in which they were written, and this only you can tell. The truth is that we lack answer and cannot work out the cause of delay; we believe them to have been taken in the same manner by that wicked man, perhaps he may have destroyed orders sent to us by the Government, all with the idea in mind of disgracing us in the eyes of the Government.

While writing this representation, we received a personal Letter from San Patricio, in which he states that a Justice of Peace has been elected, and sent his vote for the election of Political Chief of the Department of "Bejar," this was sent here and being a Government order we should have received it but up to date have not, which only confirms our suspicions of this man, perhaps together with two or three more foreigners of that town who are unhappy, owing to their evil minds and beastly tempers, and who are using all their foul means to bring us to destruction and ruin, as has been said in Goliad that they do not respect the laws of our government, but attack our rights, and in this manner making a discord, and disturb our peaceful union; but this charge we will hold till later till the Government calms down from the storm that is threatening it.

This official letter, as stated above, is to advise that we have received no answer from you to our documents, some of which were asking for power to stop these foreigners, who have no principal, or education whatsoever. Also we asked of you the power to name a Judge, and also to organize a civic company, which petition we now repeat.

We beg of you to have this brought to the notice of his excellence the Governor, in order that he may not accuse us of being indolent in the present critical situation, as also for not complying with orders and laws, that we have not received due to our disturbed conditions.

With this the session closes, signed by all the magistrates, of which I as secretary witness.

Signed, John Don Ixarrestoria [sic]  
Martin Laula [sic]

This is a copy of the original which exists in this office.

Villa of Refugio, the 13th of May, 1835  
Signed John Dunn  
Ira Westover

Pursuant to the call issued by the Committee of Safety and Correspondence of the municipality of Columbia on August 20, 1835, the municipality of Refugio proceeded to hold an election of delegates to the General Consultation, as soon after General Cos had left the colony as possible. The election probably was not held on October 5 as scheduled. Colonel James Power, John Malone, and Hugh McDonald Fraser were elected delegates from this municipality; and all of them served at one time or another in the hectic General Council.<sup>17</sup>

On November 26, 1835, the General Council appointed first and second judges for all municipalities in Texas. On the nomination of Colonel Power, Martin Power was appointed First Judge, and Martin Lawler, Second Judge, for the Municipality of Refugio.<sup>18</sup> These officers probably appointed the other members of the *ayuntamiento*, but, unfortunately, we do not know who they were, with the exception of John James, who was the *sindico*.<sup>19</sup>

The *ayuntamiento* of Refugio continued to function at Goliad and at Refugio until about the latter part of February, 1836, when it was reported that Urrea's army was advancing towards Refugio. The *ayuntamiento* then removed itself to Goliad where it functioned until the members had to disperse in order to take their families to places of safety.<sup>20</sup> The *sindico* John James, who is said to have had with him the more important archives of the municipality, was intercepted by Captain Carlos de la Garza and a troop of local *rancheros* and a band of Karankawa Indians. James was taken to Goliad, and was shot with Fannin's men. The archives, which he had with him, disappeared.<sup>21</sup>

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<sup>17</sup> *Proceedings of the General Council*, 33, 34. G. L. 581-582.

<sup>18</sup> *op cit*, 41-42, G. L. 589-590.

<sup>19</sup> Mitchell, *First Flag of Texas Independence*; Philip Power, *Memoirs*.

<sup>20</sup> Depositions of Edward McDonough, in *Byrne v Town of Refugio*.

Edward McDonough states, "The town of Refugio was not entirely broken up until the month of February, 1836, when the Mexican army entered San Patricio. The inhabitants fled generally from Refugio, though, in October, 1835. Both officers and citizens left their homes in Refugio and joined Captain Dimmitt until discharged, but they had then their regularly elected Alcaldes and the officers who performed their usual duties and services in Goliad, sending their delegates to the convention, and after their honorable discharge, doing and performing the same duties in Refugio."<sup>22</sup>



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<sup>21</sup> Depositions of Edward McDonough, in *Byrne v Town of Refugio*.  
Depositions of Michael O'Donnell, Edward Perry and John Hunes, in *Matter of application of Heirs of John James* for Land certificate, Sept. to Nov. 1858.

<sup>22</sup> Depositions of Edward McDonough, in *Byrne v Town of Refugio*.



## CHAPTER XII

### BEGINNING OF REVOLUTION



THE REFUGIO COLONY was settled during a most critical and chaotic political condition existing throughout Mexico and Texas. The political ills so far as Texas was concerned had been of long duration, but the Irish colonists were not acquainted with them. So far as the Mexicans were concerned, the colonists had been kindly and generously treated; and no grounds for quarrel existed here except the purely local quarrels with the old settlers at Goliad. It is not within the scope of this history to elaborate upon the causes of the Texas Revolution, but to relate the connection which the Refugio colonists had with that momentous event.

Santa Anna, in preparation for his overthrow of the Federal system, had the Federal Congress, on March 31, 1835, pass a law limiting the state militia to one man per 500 inhabitants. Up to that time the Refugio colony had had an active civic company because of the proximity of Indians; but, in obedience to the law, the local company was disbanded, as under its provisions only one or two militiamen were permitted.

The reaction in Mexico was not so supine. Governors of several of the states called out the militia to support the Federal system. Governor Viesca issued a call to militia in Coahuila and Texas for the same purpose, and it might be truly said that the revolution in Texas was in response to a call of a duly constituted Mexican official. In May General Cos invaded Coahuila for the purpose of suppressing the state congress. That body adjourned May 21, after authorizing the governor to move the capital to a safer place. The governor proceeded to move to Texas, taking the archives with him. In his party were Benjamin R. Milam, Dr. James Grant, and Dr. John Cameron (a Refugio colonist), all of whom subsequently figure in our local history. The governor and his party were intercepted by Cos' troops and put in various prisons, from which they later escaped, as we will recount at the appropriate place.<sup>1</sup>

Having suppressed the constitutional government of Coahuila and Texas, General Cos took up his headquarters at Matamoras,

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<sup>1</sup>Johnson, *Texas and Texans*, I, 192-198 (first hand account) He says Cameron was not with Viesca.  
Wortham, *History of Texas*, II, 181-202; Brown, *History of Texas*, I, 275-283; Yoakum, *History of Texas*, I, 334-336; Kennedy, *Texas*, 447-452.

where he made no secret of his contemplated invasion of Texas. Whether such invasion was to come by land or by sea was unknown. The inaction of these troops for such a great length of time, from May to September, led many to doubt that there was to be an invasion, so that when it did come, it fell upon Texas as almost a surprise.

Colonel Power, by reason of his origin, religion, and intermarriage with a Mexican lady, as well as by his many close friendships with important persons in Mexico, was regarded by the Centralist officers as loyal and dependable. However, they overlooked the fact that most of the favors he had received had come from officials who were Federalist or anti-Centralist in their views, such as, Governor Vidaurri and Viesca, Dr. John Cameron, Eugenio Navarro, J. M. J. Carbajal, Antonio Canales, and others, whose sympathies were with the Texian colonists. Furthermore, such Centralists as Mier y Teran had opposed the littoral league colonies and had desired to break them up. The natural sentiments of the empresario were in favor of democracy and justice and opposed to dictatorship and tyranny. Such was also the sentiment of the leading men of the colony.

Although Refugio was in close proximity to the garrisons at Goliad and Lipantitlan, and discretion had to be observed, a Committee of Safety and Correspondence was organized in Refugio municipality early in 1835. Its members were Martin Power, John Dunn, and John Malone. Colonel Power kept in close touch with it.<sup>2</sup>

On September 20, 1835 when Colonel Power was at his home at Live Oak Point, his attention was called to a warship which was entering the strait headed for El Copano. Through a powerful telescope he kept the vessel under observation and saw it anchor off Power's Point, and evidences of military debarkation begin. He and Walter Lambert got into a sail-skiff and tacked across the bay to the landing to find out what was transpiring. Here they found the Mexican army of 500 men, together with its supplies, being unloaded. General Cos they found at the old Customs House, where he and his staff had established themselves. Cos and Power were well acquainted, and the youthful general hailed the *empresario* most cordially, no doubt believing him to be loyal and trustworthy. Cos, with his usual abandon spoke freely of his plans. His army was to march to Bexar and from there to San Felipe de Austin. The general exhibited to Power with much pride a manifesto which he had had

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<sup>2</sup> Philip Power, *Memoirs*

<sup>3</sup> Philip Power, *Memoirs*

printed at Matamoros for distribution in Texas.<sup>3</sup> The document was as follows:

"THE BRIGADIER GENERAL  
MARTIN PERFECTO DE COS

Commanding General and Inspector of the  
Eastern Internal States.

IN THE NAME OF THE PRESIDENT OF THE REPUBLIC:

"I make known to all and every one of the inhabitants of the three departments of Texas, that whenever, under any pretext whatsoever, or through a badly conceived zeal in favor of the individuals who have acted as authorities in this state, and have been deposed by the resolution of the Sovereign General Congress, any should attempt to disturb the public order and peace, that the inevitable consequences of the war will bear upon them and their property, inasmuch as they do not wish to improve the advantage afforded them by their situation, which places them beyond the uncertainties that have agitated the people of the centre of the Republic.

"If the Mexican Government has cheerfully lavished upon the new settlers all its worthiness of regard, it will likewise know how to repress with strong arm all those who, forgetting their duties to the nation which has adopted them as her children, are pushing forward with a desire to live at their own option without subjection to the laws. Wishing, therefore, to avoid the confusion which would result from the excitement of some bad citizens, I make the present declaration, with the resolution of sustaining it.

MARTIN PERFECTO DE COS

Matamoros, July 5, 1835.<sup>4</sup>

After Colonel Power had read this interesting document, Cos, in a boyish-like manner, inquired what the *empresario* thought of it. The Colonel replied, slowly, "I think it would have been better had you not come."<sup>5</sup>

The Mexican army needed carts with which to transport its supplies, and Cos asked Power to procure them for him. Seeing an opportunity to get word through to the inland colonies. Power replied that he would send to Refugio for them. He got Lambert aside and instructed him to warn John Dunn and the other leaders at the mission and tell them to send a fast express through to the other colonies, advising them of the landing of General Cos. In

<sup>4</sup> *James Power Papers*. This manifesto was printed in *Timely Remarks*. Centennial Edition, December 14, 1934, page 9.

<sup>5</sup> Philip Power, *Memoirs*  
Huson, *El Copano*, 24

the meantime, the colonists were to gather all available carts and bring them to El Copano, as the general wished. Lambert executed his mission with his accustomed courage and thoroughness. The patriot leaders at Refugio lost no time in dispatching an express to the interior. Thus it was that the central colonies got their first news of the Mexican invasion,<sup>6</sup> which was received at San Felipe on the night of September 21.<sup>7</sup>

The Mexican army remained at El Copano unloading and waiting for necessary transportation until September 30 or October 1. In the meantime, Cos and his officers visited the Power home at Live Oak Point. When all arrangements had been completed, the army moved up to Refugio, Colonel Power accompanying it, and went into camp on the river. The officers were billeted among the most affluent families. The mission was taken over for a headquarters and most of the baggage stored there. It is related that Cos had with him a military chest containing about \$60,000, "which was more money than the colonists believed existed in the whole world."

The arrival of the brother-in-law of the all-powerful Santa Anna was a momentous event in the quiet Irish colony and created excitement over a wide radius. Cos and his officers, attired in handsome uniforms, held a court during their sojourn. Captain Villareal and other officers of the Lipantitlan garrison and the officials of the San Patricio colony had been sent for and came to Refugio to make reports and pay their respects as well as to receive orders. Dignitaries of Goliad and Victoria also came over.

The Mexican settlers were for the most part loyal to Mexico. Some of the most prominent among them maintained a reserve and were non-committal. However, practically all of these settlers came to Refugio and paid formal visits to the distinguished visitor, many assuring the general of their undying loyalty. Captains Carlos de la Garza, Manuel Sabriego, the Padre Valdez and Juan and Augustin Moya, tendered their military services and offered to raise companies of loyal *rancheros* to cooperate with the regular army, if needed. De la Garza, Sabriego, and Moya made good their promises, as will be later seen. Padre Valdez became active in the interests of the Centralists in espionage work, for which he was arrested by Colonel Fannin, as will be related.

Old settlers who witnessed these events have stated that General Cos was then a very young man, who was good looking and possessed

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<sup>6</sup> Philip Power, *Memoirs*

<sup>7</sup> Smith, James W. Fannin, Jr. in the *Texas Revolution*, 23 Q. 83

Stephen F. Austin to Committee of Safety & of Columbia, September 22, 1834, printed in Johnson, *Texas and Texans*, I, 267



great personal charm and genteel and ingratiating manners. The colonists could not help liking him. He had intended levying a tribute upon the Refugio colony, but his reception here had been so spontaneously hospitable, that he could not bring himself to do so. The Mexican officers themselves contributed as part of the week's festivities quantities of champagne and wine, which were luxuries in the colony.

The Mexican army left Refugio October 1, reaching Goliad on the 2d. Before leaving the mission, Cos sent a small reinforcement to Fort Lipantitlan, and ordered a levy of money and supplies from the San Patricio municipality.<sup>8</sup> As to Refugio the general merely required the carts to go on to Goliad, where he was kind enough to release most of them. The local government at Goliad was in the hands of native Mexicans, most of whom were loyal to Mexico; but their patriotism did not inspire them to yield graciously to Cos' demands for money, supplies, and transportation. On the other hand, they demurred and were reluctant, so as to arouse disputes and ill-feeling. One of the Mexican officers struck the alcalde, and the soldiers went out and helped themselves.<sup>9</sup>

General Cos left Goliad for Bexar on October 5, leaving a small garrison at Goliad.

As soon after Cos had left the vicinity and it was safe to do so, which was on October 15,<sup>10</sup> delegates were elected to the General Consultation. Whether this election was held on October 5, as scheduled, is not known; but James Power, John Malone, and Hugh McDonald Fraser were elected to represent this municipality and did represent it. Steps were also taken to reorganize the civic militia under Captain Ira Westover.<sup>11</sup>

Before much could be done towards putting the colony in a state of defense, a rider sent post-haste by John J. Linn from Victoria, arrived with a message that a company of Matagorda planters were on their way to capture Goliad;<sup>12</sup> and all able-bodied men of Refugio who could possibly get away were urged to meet the Matagordians at some point between Victoria and Goliad. This expedition had been organized at the plantation of Captain Sylvanus Hatch on the night of October 6. George M. Collinsworth was elected Captain; J. W. Moore, 1st Lieutenant; and D. C. Collinsworth, 2d Lieutenant.

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<sup>8</sup> Philip Power, *Memoirs*. See also Kenedy, *Texas*, 543, note, which refers to a levy as having been made at a subsequent time.

<sup>9</sup> Brown, *History of Texas*, I, 309-310; Foote, *Texas and the Texans*, II, 92.

<sup>10</sup> Kerr to San Felipe Committee, in Binkley, *Correspondence Texas Rev.* I, 1, 25.

<sup>11</sup> Philip Power, *Memoirs*.

<sup>12</sup> Johnson, *Texas and Texans*, I, 275-277 (excellent)  
*Lamar Papers*, I, 242

Forty planters left with their rugged old chief the next morning and arrived at Victoria the same night. The detachment rested at Victoria until October 9. At noon of that day the little army, which then numbered 58, crossed the Guadalupe and began the march for Goliad. In this party were Philip Dimmitt and J. A. Padilla, the alcalde of Victoria, who had contributed a detachment of Victorians, mostly Mexicans, among whom was Captain Placedo Benavides. After they had crossed the Guadalupe, they captured one of Cos' couriers, bearing a message to Stephen F. Austin. Collinsworth opened the message to see if it had any bearing on his expedition. He then resealed it with a note of his own and forwarded them to General Austin.<sup>13</sup>

Linn's message advising of Collinsworth's expedition came as a surprise, and the time to act was very short. Messengers were sent to the outlying ranches to call the colonists to arms. Westover, sensing the emergency, got as many together as he quickly could, and dispatched them to the appointed rendezvous, where they joined the main body before the attack. Among the Refugio colonists in this advance unit who participated in the capture of Goliad were Alfred Allison, Samuel Blair, John Bowen, Victor Loupé, Edward McDonough, Patrick Quinn, Michael O'Reilly, Anthony Sidick, John B. Sidick, and Hugh McDonald Fraser, the latter being in command. It is thought that Andrew Devereaux and Charles Shearn were also in the fight. However, they certainly reached Goliad the next morning.<sup>14</sup>

Near Goliad the Collinsworth detachment encountered Colonel Benjamin R. Milam, who, as has been mentioned, had been captured with Governor Viesca and party, but had escaped from Monterrey. The circumstances of this meeting have been recorded in almost every Texas history. When the Texian army had reached the San Antonio river about a mile below Goliad (which was about 10 o'clock of the night of the 9th), a party was sent out to reconnoiter. While so engaged it stumbled across Milam, who, hearing it approach, hid himself in some brush. He had just crossed the river and was faint and hungry. As the reconnaissance party passed his hiding place, he heard them converse in English. He then called out, "Who are you?" "American volunteers bound for Goliad. Who are you?" "I am Ben Milam, escaped from prison in Monterrey, trying to reach my countrymen in Texas," cried Milam. The Texians

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<sup>13</sup> Johnson, *Texas and Texans*, I, 275-277

<sup>14</sup> Philip Power, *Memoirs*

joyously rejoined, "God bless you, Colonel Milam! Come out in the road and go with us to capture Goliad! We are all your friends and George Collinsworth is our captain!" Milam stepped out into the road and was joyously embraced by his countrymen. He was an inspiring figure in the assault which shortly followed.<sup>15</sup>

The accounts are conflicting as to the methods of the Texians from that point on, but one fact is certain: the Texians captured Goliad at about 11 o'clock that night. Ira Ingram, who was on the ground and was adjutant of the company, wrote on the 11th that a deputation comprised of *alcalde* Juan Antonio Padilla, of Victóřia, Philip Dimmitt, Dr. Erwin and Colonel Milam were first sent to demand surrender of the place; and this being refused, the assault followed.<sup>16</sup> Other accounts state that the place was attacked without warning and was taken by surprise.<sup>17</sup>

The victory was more easily won than had been expected, as the garrison had been reduced two or three days before to three officers, one cadet, and 24 men. Lieutenant-Colonel Francisco Sandoval, Captain Manuel Sabriego, Ensign Antonio de la Garza, and Cadet Juan de la Garza with 21 men were captured. Three of the enemy were killed, and one was wounded. The Texian loss was only one man wounded, Samuel McCollock, of the Navidad. The captured officers were sent under escort of Colonel Milam to San Felipe.<sup>18</sup> The booty included military stores valued at \$10,000.<sup>19</sup>

The first reinforcements from Refugio arrived at Goliad about noon of October 10. They included Colonel James Power, Captain Ira Westover, John Williams, Henry Williams, Walter Lambert, Morgan O'Brien, Lucius W. Gates, Jeremiah Day, John Dunn, Robert Patrick Hearn, John O'Toole, John Smiley, Thomas O'Connor, Antonio Sayle, Edward St. John, and, probably, Edward McCafferty.<sup>20</sup>

Among the prisoners taken at Goliad was Juan Latano, the collector of the port of Copano. As he was a local Mexican and was well known to many of his captors, he was paroled and

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<sup>15</sup> Brown, *History of Texas*, I, 251

Account in *Lexington (Ky.) Gazette*, Dec. 5, 1835, p. 2, C3

<sup>16</sup> *Ingram's Statement*, Oct. 11, 1835, in Johnson, *Texas and Texians*, I, 276-277; Foote, *Texas and the Texans*, II, 110-119

<sup>17</sup> Brown, *History of Texas*, I, 351-352; Linn, *Reminiscences of Fifty Years in Texas*, 108

Yoakum, *History of Texas*, I, 369

Foote, *Texas and Texans*, II, 115

Kenedy, *Texas*, II, 117

<sup>18</sup> *Kerr to Council of War*, October 10, 1835, in *Austin's Papers*, III, 169, Also letter of October 11, 1835, *id.*, p. 175

<sup>19</sup> *Resolution of Thanks*, November 13, 1835, in *Journal of Consultation*, 41, G. L. I, 545; *Report of Ira Ingram*, in *Austin Papers*, III, 179

<sup>20</sup> Philip Power, *Memoirs*.

*Lamar Papers*, I, 242. Comptroller's Military Records, Archives, State Library.

permitted to go free. The Mexican officers, then prisoners, induced the collector to break his parole and agree to go to Mexico with dispatches for Santa Anna. The collector hid the letters in the soles of his shoes and set out for El Copano, where he hoped to find a boat. He was arrested and searched when he got to Refugio. The incriminating documents were found, and he was sent back to Goliad.<sup>21</sup>

The fight at Goliad brought to the attention of the Refugio colonists that actual war had begun. The colony divided into two camps, the war or patriot party who determined to remain and defend their homes at all hazards, and the apprehensive party, which began to think of the dangers and to get themselves and their families to places of safety. The members of the first party flocked to Goliad or other places and joined the revolutionary army, while those of the latter parties began moving away to far places of safety. There were many who moved their families to Goliad and Victoria while they themselves went into the army.<sup>22</sup> To the honor of this county, the preponderant majority acted the part of patriots and brave men. Colonel Power was the standard about whom the patriot party rallied.

One of the first acts of Collinsworth after the capture of the *presidio* was to ask for volunteers for the rather delicate and dangerous mission of delivering letters to the *alcalde* and other leading men of San Patricio, soliciting their cooperation in the patriot cause. Two young Refugio colonists, John Williams and John Tool, offered themselves for the service and delivered the letters at San Patricio. They were, however, immediately made prisoners of the garrison of Lipantitlan and put in irons and made to work in the garrison. Dimmitt states that the two young men "were both surrendered to the military of Le Panticlan." The subsequent rescue of these young colonists forms a glamorous episode in the history of our county.<sup>23</sup>

Collinsworth remained in command at Goliad until about noon of October 11, when Captains Ben Fort Smith and John Alley with their companies arrived. The same afternoon Captain Westover brought 15 more men from Refugio. The total strength of the

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<sup>21</sup> Philip Power. *Memoirs*. *Lexington (Ky.) Gazette*, Nov. 28, 1835.

Incidentally the confirmation of Collingsworth's capture of Goliad was brought to New Orleans by the schooner *Santa Pie*, eleven days from Copano. The *Santa Pie* had been sent to Aransas Bay as a Mexican revenue cutter, in August, 1835. The Texians tried to capture her, but she escaped from Copano bay. *Cincinnati Republican*, November 26, 1835.

<sup>22</sup> *Depositions of Edward McDonough in Byrne v. Town of Refugio*

<sup>23</sup> Dimmitt to Austin, October 25, 1835. *Austin Papers*, III, 208

*Memorial, Meeting of Citizens of Irish Colonies*, 1852.  
(Legislative Archives, State Library)



garrison was found to be 180, and it was decided to organize a battalion or regiment to cooperate in the reduction of Bexar. Smith was elected colonel; Collinsworth, major; and Dimmitt, a captain. The companies comprising the regiment seem to have been those of Smith, Alley, Collinsworth, Westover, and Benavides.<sup>24</sup> Indefatigable in efforts to put the garrison on a firm basis were Colonel Power, Major James Kerr, and John J. Linn.<sup>25</sup>

Ben Fort Smith's regiment was of short duration. Most of the men, including Smith and Alley themselves, wanted to go on to Bexar, where action could be had, rather than remain in garrison in a sleepy old Mexican town. General Austin, upon being appointed commander-in-chief, ordered that a garrison of 100 be maintained at Goliad and that any overplus be sent on to Bexar.<sup>26</sup> Colonel Smith replied on the 11th that it was with difficulty that he could get his men to agree to remain at Goliad but that they would obey Austin's order to defend the place; however, no men could be spared from the garrison to go to Bexar.<sup>27</sup> On the 14th Smith wrote the commander-in-chief, "Yesterday I communicated to you as the commander of the detachment at this place, now I write as a private soldier." The battalion so hopefully organized on the 12th "became disaffected and dissolved" on the 14th. Captains Smith, Alley and Benavides marched on to Bexar.<sup>28</sup> Collinsworth went back to Bay Prairie for more men. He evidently did not himself rejoin the garrison, but sent large numbers of recruits and was very active in forwarding provisions for Dimmitt and the army besieging Bexar.

The remnants of the garrison, consisting in the main of Irish colonists and what was left of Collinsworth's Matagorda planters, being thus left to their own resources, reorganized themselves into a company. Philip Dimmitt was elected its captain. On the morning of the 15th he notified General Austin of his succession to the commandancy.<sup>29</sup> Thus was initiated one of the most interesting and little known chapters in the war for independence. The chapter could be easily and appropriately extended into a whole volume. The temptation to do so in this work is hard to resist.

Philip Dimmitt had been reared in Kentucky in a period when every citizen was expected to be ready at all times to lay aside the

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<sup>24</sup> Kerr to Council of War, October 10, 1835. *Austin Papers*, III, 169-170

<sup>25</sup> Smith to Austin, October 13, 1835. *Austin Papers*, III, 179-181

<sup>26</sup> Philip Power, *Memoirs*; Linn, *Reminiscences*.

<sup>27</sup> Austin, *Order to Smith*, et al. October 12, 1835. *Order Book*, 11 Q. 4

<sup>28</sup> Smith to Austin, October 13, 1835. *Austin Papers*, III, 179-181

<sup>29</sup> Smith to Austin, October 14, 1835. *Austin Papers*, III, 182-183

Dimmitt to Austin, October 15, 1835. *Austin Papers*, III, 185-186

<sup>29</sup> Dimmitt to Austin, October 15, 1835. *Austin Papers*, III, 185-186

pursuits of peace and take the field as a soldier. It was a period which developed leadership and produced dependable border captains, whose personal courage and plain common-sense stood instead of scientific military training. He came to Texas in 1823 bearing a letter of introduction to Stephen F. Austin. In a short time he began business as a trader and merchant, establishing connections in Mexico, among which was Dr. James Hewetson. He married Luisa Laso, daughter of Carlos Laso, one of de Leon's colonists; and in fact this gave him preferred standing with Mexican officialdom. For several years prior to the Revolution he was commissary contractor to the Mexican garrison at Bexar and established a home and commissariat in La Villita. Captain F. J. Dusanque was a contemporary merchant at Bexar. In connection with his army contract Dimmitt established a wharf and warehouse near La Salle's fort on Lavaca Bay, at a place since known as Dimmitt's Landing. Between Bexar and the landing he operated a line of carts to haul supplies for the army.

In 1835 Dimmitt decided to establish himself at Refugio. Too late to obtain a headright in the Power colony, he purchased the league of another colonist and was preparing to move to Refugio when the troubles with the Mexican government became acute. He was therefore well and favorably known to the Irish colonists, who considered him as one of their own. After the Revolution, Dimmitt settled in Refugio County and became one of the justices.

Captain Felipe was a natural leader of men, a hard task-master, a stern disciplinarian, and a soldier who obeyed orders himself and expected others to do likewise. He was honest, scrupulous, and just, and a stranger to dissimulation. His bluntness and frankness made him no few enemies, but in the main he had the respect and affection of his men.

Dimmitt began his tenure with energy and industry and soon molded an efficient and effective organization. His subordinate officers were capable, they being Benjamin Noble, 1st lieutenant; John P. Borden, 2d lieutenant; Ira Westover, adjutant; John Fagan, commissary; John W. Baylor, Joseph Howe, and Alexander Lynch, surgeons. Westover was succeeded as adjutant by Ira Ingram, after the former took his seat in the General Council. Dr. Baylor was in and out. If there was a battle pending, he went to it. When the battle was over, he came back to Goliad. The commissary was the hot spot. John J. Linn acted as first quartermaster. Both John and Nicholas Fagan held it, as did Joseph Benjamin Dale, B. J. White,

and R. Redding. John M. Thruston furnished gun powder. With few exceptions the officer personnel of the company remained intact through its existence.<sup>30</sup>

Practically every able-bodied man in the Refugio colony served in this company at one time or another. Among those who served in Captain Dimmitt's company, between October 9, 1835, and January 20, 1836, when the company was practically disbanded, were:

Jose Miguel Aldrete, John Bowen, Andrew M. Boyle, Elkanah Brush, William Burke, Robert M. Carlisle, George W. Cash, Joseph Benjamin Dale, Oscar F. Davis, Jeremiah Day, Andrew Devereaux, John Dunn, John Fagan, Nicholas Fagan, Hugh M. Fraser, Lucius W. Gates, William Gould, Timothy Hart, Robert Patrick Hearn, James Hearn, Nathaniel Holbrook, William E. Howth, Peter Hynes, John James, Walter Lambert, Martin Lawler, John J. Linn, Victor Loupe, Charles Malone, John Malone, Edward McDonough, George McKnight, Daniel O'Boyle, Morgan O'Brien, Thomas O'Brien, Charles James O'Connor, Thomas O'Connor, Michael O'Donnell, Patrick O'Leary, Michael O'Reilly, John O'Toole, Benjamin H. Perkins, John Pollan, James Power, James Quinn, John Quinn, Patrick Quinn, Edmund Quirk, Thomas Quirk, William Redmond, Isaac Robinson, William Robertson, Charles Shearn, John Shelly, Charles Smith, John Smiley, Edward St. John, James St. John, William St. John, Anthony Sideck, Peter Teal, John Williams, and Henry Williams. Captain William H. Living, also a member, afterwards lived in Refugio.

Several Refugio colonists furnished provisions and supplies to Dimmitt's garrison. Among these were Colonel Power, John Dunn, Martin Power, Jose Miguel Aldrete, Caleb Bennett, the Fagans, and Edward Perry.<sup>31</sup>

The first problems confronting Dimmitt were (1) disposition of the Indian menace; (2) evacuating colonial families of the two Irish colonies to places of safety; (3) the liberation of the two young Irishmen who were still prisoners at Lipantitlan, and the reduction of that frontier fortress; (4) the Mexican inhabitants of Goliad.

The Mexican inhabitants of Goliad for the most part did not favor the Texian cause. By degrees they left Goliad and took up residences on the *ranchos* of Captain Carlos de la Garza, the Padre Valdez, and other Mexican *rancheros*, on the San Antonio River

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<sup>30</sup> *Rosters of Dimmitt's Company, Texas Almanac* 18—; Mitchell, *The First Flag of Texas Independence*, 24, et seq. *Comptroller's Military Records*. Archives, State Library. Linn says he was acting as QM October 17, 1835, Linn to Austin, *Austin Papers*, III, 189.

<sup>31</sup> Philip Power, *Memoirs*. *Military Rosters in General Land Office; Comptroller's Military Records*, State Library; Mitchell, *First Flag of Texas Independence*, 24 et seq.; *Texas Almanac*, 18—.

below the town. Dimmitt was mystified at their disappearance, as he had "done, and had said everything which he could to inspire them with confidence." One old timer, Dr. Barnard, explained that they had removed for fear of compromising themselves too far.<sup>32</sup> We will later find many of them, including their *alcalde* raiding Refugio under the leadership of Captain de la Garza.<sup>33</sup>

The Mexicans who remained at Goliad bided their time to embarrass Dimmitt whenever occasion presented itself. Such an opportunity came when Governor Viesca arrived at Goliad in November and esteemed himself to have been badly treated by Dimmitt, in which complaint several Texians, including James Kerr, concurred. The *alcalde* Galan took advantage of the occasion to make representations to General Austin concerning Dimmitt's alleged mistreatment of the civil population of Goliad.

Dimmitt was informed almost concurrently that there was about to be an uprising of slaves along the Brazos and that the Karankawas were raiding the settlements of the Guadalupe and Navidad. He dispatched a force under Major George Sutherland to quell the slave uprising (which seems not to have materialized) and sent an embassy (consisting of James Kerr, John J. Linn, and Thomas G. Western) to the Karankawas. The Indians on October 29 met with the commissioners on the San Antonio River, 18 miles below Goliad, and agreed to remain neutral and to return to the banks of the San Antonio.<sup>34</sup> In fact the embassy was so successful that the Karankawas offered to join the Texian army. Linn relates

"A party of Carankua Indians visited Goliad this year (1835), and desired to have a pow-wow with the big captain of the whites. Captain Dimmitt appointed Major James Kerr and myself to meet them, which we did near the old grave-yard. The Indians professed themselves as anxious to give their services in the field to the cause of Texas. We dissuaded them from this project, and told them their services would not be required by either of the parties to the quarrel, and advised them to go to the bays and lagoons along the coast and live peaceably, not visiting the settlements of the whites as long as the present war continued; to all of which they assented and took their departure. We subsequently ascertained, however, that they killed several straggling white men soon after the execution of this informal treaty."<sup>35</sup>

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<sup>32</sup> Davenport, *The Men of Goliad*, 43 Q. 11

<sup>33</sup> Ayres, *Journal*, in *Lamar Papers*, I, 337; Dr. Barnard's *Journal*.

<sup>34</sup> Dimmitt to Austin, October 27, 1835, *Austin Papers*, III, 213-214  
*Proceedings of General Council*, 7, G. L. I, 555.

Binkley, *Correspondence of the Texas Revolution*, I, 24, 25, 35, 69.

<sup>35</sup> Linn, *Reminiscences of Fifty Years in Texas*, 113-114



A few days after this treaty three officers and three privates decided to abandon the post and leave for Bexar in disobedience of orders. After a few hours five of the men returned to the fort, stating that they had been attacked from ambush by an unknown enemy and that they had left Lieutenant David N. Collinsworth wounded on the field. A relief party was sent to the scene and came back with the scalped body of the lieutenant.<sup>36</sup>

One of the first acts of Dimmitt, after he had assumed command at Goliad, was to rid the section of the guerilla Moya, who, it will be remembered was one of the local Mexican *rancheros* who offered their services to Cos, when the latter was holding court at Refugio. Dimmitt learned that Moya was collecting the public *caballardo* on Blanco creek, about five miles above Refugio, for the purpose of delivering it to the enemy. Captain Moya had been active in furnishing supplies to the enemy and, at the time Dimmitt decided to act, had gathered about 100 horses. At 8 o'clock of the evening of October 19, Dimmitt detailed 1st Lieutenant Noble with 20 men, and James Kerr and Ira Westover of "my council . . . to seize the horses, Moya and his associates, and bring them to the fort." The detachment went to Refugio, hoping to catch the wily *ranchero* by surprise, but Moya managed to elude it, and escape with the *caballardo* to Lipantitlan.<sup>37</sup>

About the middle of October Colonel Power made a reconnaissance of San Patricio and vicinity to learn of the situation of Toole and Williams and the sentiment of the people of that municipality, as well as to observe the military dispositions at Lipantitlan, as Dimmitt had long since determined to reduce that place. On October 20, Power returned to Goliad and reported. It was understood that a large enemy force was expected on the Nueces, not only to augment the garrison there, but to attempt to recapture Goliad.<sup>38</sup> Power also heard rumors that the two young Irishmen had been sent to Matamoros.

A day or so later Power received confidential information from a friend at San Patricio confirming the report that a large enemy force was on its way to the Nueces bound for Goliad. In a letter of the 25th to Austin, Dimmitt says—

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<sup>36</sup> Dimmitt to Austin, October 30, 1835, *Austin Papers*, III, 221-223  
Ingram to R. R. Royal, Binkley. *Corr. Tex. Rev.* I, 33

<sup>37</sup> Dimmitt to Austin, Oct. 19, 1835, *Lamar Papers*, V, 87-89. In this letter Dimmitt mentions the pledge made by Collingsworth's volunteers on October 9, to protect the people of Victoria and Goliad. He states that it extends also to the people of Refugio, "whose physical force, amounting to 24 men, have attached themselves to this company, and are now with us."

<sup>38</sup> Dimmitt to Austin, October 20, 1835, *Austin Papers*, III, 195-196

"You enquire after Linn and Powers—Both, altho' absent at the moment, have been with me, have acted in concert, and have been very useful to the service. They will probably return tonight, or tomorrow. Colonel Powers became very much alarmed for the safety of his people, (nearly all the men being here), occasioned by information received by him from a confidential friend at San Patricio. In consequence of which, steps have been taken to remove the women and children, beyond the Guardeloupe River. Being informed that this removal is now nearly, or quite accomplished I expect to see the Empresario of that Colony here immediately. Supplies for the poor of these families, and for recruits, have been forwarded hence to the Town of Guardeloupe Victoria. This step was recommended too, by the possibility of our being compelled to fall back on that point—one of the most defensible, by a small force, of any whatever in Texas."<sup>39</sup>

Dimmitt reports to Austin on the 27th—

"It was confidently anticipated when Majr. Collinsworth left for your camp, that the teams could have been put in motion yesterday—but we found it impossible. The teams and carts below, and especially those at the Mission, [of Refugio] had been sent to the Guardeloupe with the women and children; and we have had to send there for them. However, we have succeeded in mustering 8 carts and waggons—all of which will be dispatched today, with full freight, and the corresponding List transmitted by hand of Maj. Southerland, the Bearer of this letter.

"I much regret that it becomes my duty to inform you, that, the report of Williams and Toole having been dispatched prisoners of war to Matamoras, from the Garrison of La Panteclan, is now but too well confirmed, to admit of a doubt. They were sent off, a week ago last Sunday. Toole was in very bad health, and in preference to transportation to a distant dungeon, there to linger out a mere fragment of existence, requested that he might be dispatched at once. The confirmation of this news, after the lenity shown to the prisoners taken here, could not fail to create a lively, and a strong excitement.

"The men under my command are clamorous for retaliation, either by clothing with suits of iron, those in *our* power; or by marching immediately against the garrison, and reducing it to unconditional submission, or putting it to the sword.

"I have had a *flag* made — the colours, and their arrangement the same as the old one — with the words and figures, "Constitution of 1824", displayed on the *white* in the centre.

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<sup>39</sup> Dimmitt to Austin, October 25, 1835, *Austin Papers*, III, 208-209

"Regular rations of flour, sugar and coffee, have been ordered to be issued to the poor, of the families from the Mission at Guardeloupe.

"Measures are taken to procure the earliest information of any important occurrence at Copano."<sup>40</sup>

It will be remembered that our old friend Captain Manuel Sabriego was one of the Mexican officers captured at Goliad on the night of October 9 and that he had been sent next day with the others to San Felipe de Austin, for the disposal of the Consultation. The Mexican officers were treated with great courtesy and consideration by that body. All of them were offered their freedom if they would avow their adherence to the Federalist system. Sabriego was the only one to accept the offer. On October 23 he signed a declaration that he was a man of Liberal and Republican principles, which were vouched for by General Austin. The Consultation thereupon issued to Sabriego a safe-conduct certifying that he was engaged "in the common cause."<sup>41</sup> Sabriego immediately broke his parole and fled to Lipantitlan, where it was feared he would "raise the Irish."<sup>42</sup>

The receipt of this information, together with Moya's recent escape, determined Dimmitt to proceed against Fort Lipantitlan, on the Nueces. With the arrival of 20 new recruits from Bay Prairie, on the 30th, he felt strong enough for the undertaking.<sup>43</sup> The citizens of Goliad furnished 20 horses, and the citizens of Victoria a supply of beeves, for the expedition. Therefore, on the 30th the commandant "ordered Adjutant Westover, who had formerly lived at San Patricio, to take a detachment of 35 men and proceed forthwith to Le Pantiolan, the garrison on the Nueces, reduce, and burn it. The arms and ammunition, if possible, will be brought up, and, if practicable, the public horses taken, and driven to this place." Dimmitt also gave Westover positive orders in a certain other particular, the adjutant's disobedience of which angered the commandant and brought forth censure, which abruptly terminated the fine friendship which had always existed between them. He explicitly ordered the making of every officer at the Nueces (including Sabriego and Moya) prisoners, if possible, and that no paroles should be granted. Dimmitt had previously boasted to General Austin that in view of the Permanent Council's foolish mistake in paroling Sabriego that he, Dimmitt,

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<sup>40</sup> Dimmitt to Austin, October 27, 1835, *Austin Papers*, III, 213-214

<sup>41</sup> R. R. Royall to Manuel Sabriego, safe-conduct, October 23, 1835, *Journal of the Permanent Council*, 7 Q. 270

<sup>42</sup> *Sabriego v. White* (1868) 30 Tex. 576

<sup>43</sup> Austin to Dimmitt, November 2, 1835, *Austin Papers*, III, 232-233

Austin to Bowie and Fannin, November 1, 1835, *Austin Papers*, III, 227

<sup>44</sup> Ingram to Royall, October 31, 1835, Binkley, *Correspondence*, I, 36

would not be found guilty of a similar mistake and that, "Sabriego, I am assured, is below, endeavoring to reorganize — If I take him again, which I shall *try* to do, he will hardly be permitted *by me*, to rally a second time."<sup>44</sup>

Westover with Lieutenant B. Noble and 30 men left Goliad on the 31st. Colonel James Power, John J. Linn, James Kerr, Augustus H. Jones, and Hugh McDonald Fraser, all of whom were delegates to the Consultation (the first four having stopped at Goliad on their way to San Felipe), accompanied Westover, for which reason none of these men got to San Felipe in time to attend a session of the Consultation.

The expedition rode to Refugio, where 14 reinforcements were added. Some of these reinforcements joined the party between Goliad and the Mission.<sup>45</sup> Most of the men who went to Fort Lipantitlan were Refugio colonists. While the official reports indicate a total force of about 50, it would appear that by the time the party reached the Nueces it numbered some 60 or 70 men.<sup>46</sup> No roster of those who were of the expedition can be found, but from fragmentary and traditional sources it would appear that they included

John Bowen, Elkanah Brush, Joseph Benjamin Dale, Jeremiah Day, Andrew Devereaux, John Dunn, John Fagan, John James, Walter Lambert, Martin Lawler, John J. Linn, Armand Victor Loupé, Charles Malone, George McKnight, Morgan O'Brien, Thomas O'Brien, James O'Connor, Thomas O'Connor, Michael O'Donnell, Patrick O'Leary, Michael O'Reilly, James Power, Patrick Quinn, William Quinn, Edward Quirk, Isaac Robinson, Charles Smith, Edward St. John, James St. John and Ira Westover, in the contingent from Goliad, and Francis Dietrich, Nicholas Fagan, Michael Fox, Hugh McDonald Fraser, Timothy Hart, John Keating, Edward McDonough, George Morris, Daniel O'Driscoll, John Ryan, Antonio Sayle, John B. Sydick, Peter Teal, Jerry Toole, Michael Tool and Edward Townsend, among those picked up between Goliad and the Nueces.<sup>47</sup>

Captain Westover's official report of his subsequent movement states

"Our rout [from Refugio] was below the usual roads to our destined place of operations. [Linn says they proceeded to a

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<sup>44</sup> Dimmitt to Austin, October 30, 1835, *Austin Papers*, III, 221-223

<sup>45</sup> Dimmitt to Austin, November 6, 1835, *Austin Papers*, III, 242

<sup>46</sup> Westover to Sam Houston, November 15, 1835, Binkley, *Correspondence*, I, 83-84

<sup>47</sup> Philip Power, *Memoirs*; Johnson, *Texas and Texans*, I, 361-362, says picked up 20 reinforcements at Refugio.

<sup>48</sup> Philip Power, *Memoirs*; Huson, *Souvenir Program Refugio County Centennial Celebration*, 13; Comptroller's Military Records, Archives, State Library.



*rancho* four or five miles below San Patricio.] In the neighborhood of San Patricio we learned that the major part of the enemy at the above named post were out in pursuit of us.

"In consequence of this information we pushed by forced marches for the Garrison and entered the place on the evening of the 3rd about half an hour after sun down and after placing guards at the passes of the river Nueces two Guards of ten men each commanded by Lieutenant Noble and Sgt. Bracken were posted within seventy or eighty yards of the Fort under cover of some small huts waiting the order of attack, but having taken James O'Riley an Irishman in the fore part of the evening whom we supposed to be aiding and assisting the enemy.

"He proffered to go to the Fort and induce them to surrender if we would protect him we therefore made use of him and the Fort surrendered at 11 o'clock on conditions of being set at liberty on parole and not to take up arms against us during the war, twenty-one men were in the Fort four of whom were prisoners five Irishmen and one Englishman from San Patricia some from choice and others from compulsion were assisting in keeping Garrison, there were two pieces of canon a four and a two pounder the former belonged to Messrs McMullon and McGlowen of San Patricia and was taken from them by force. We remained in quiet possession of the town untill 3 o'clock P.M. on the 4th preparations were made to recross the river at the crossing immediately in the neighborhood of the town as soon as the troops were put in motion seven or eight of the enemy appeared in view watching our movements we proceeded immediately to cross the river leaving six men on the high ground to watch the enemy and after passing about half of our men over the river in a Canoe the only means of crossing and most of the horses were drove over word was then sent down to the river that the enemy was coming down with all their force to attack us seventy three in numbers we met them with our little force on the top of the bank skirted with some timber which we took advantage of, the enemy came up in front and made a move from their centre around our flanks on the river leaving a few men under cover of a mote in front the enemy on our right flank dismounted and took the advantage of the timber led on by nine of the Irish of San Patricia three of which were wounded viz the Judge, Alcalde, and Sheriff.

"The action lasted thirty two minuets when they retreated leaving us in possession of the ground which we reconnoitered and brought off eight of their Horses and one of their wounded viz the Alcalde as above mentioned.

"From the best information we could obtain there were 28

killed wounded and missing of the enemy Lieut. Marcellino Garcia was mortally wounded and died the 2d day after the action. We had but one man injured Sergt. Bracken who had three fingers shot off from his right hand and the other fractured with the same ball.

"I had previously sent to San Patricia for a team to move the Artillery the 4 pounder was put across the river previous to the action but in consequence of a heavy shower of rain and cold wind from the north, the men were very much chilled and night approaching and no team coming I together with Capt. Kerr John J. Linn & James Power who rendered me signal service advised the propriety of throwing the Artillery in the river and it was accordingly done.

"The men all fought bravely and those on the opposite bank of the river were enabled to operate on the flanks of the enemy above and below the crossing which they did with fine effect."<sup>48</sup>

The account of John J. Linn possesses more color and human interest. He says:

"We proceeded from Goliad to the mission of Refugio, where a few volunteers joined our party . . . We proceeded from this point to a rancho four or five miles below San Patricio. Here a Mexican informed us that Captain Rodriguez, the commandant of Lapantitlan, was on the Goliad road, at the head of his men, expecting to intercept us. His force was estimated at eighty men or more. We immediately proceeded up the river a short distance, and with the aid of a canoe crossed the river, which was considerably swollen in volume. We arrived in front of the 'formidable' fortress of Lapantitlan about dark. We proceeded to invest the place, stationing guards all around it, expecting to assault in the morning. Soon after the guards were posted two citizens of San Patricio, who knew nothing of our presence, came straggling into camp. Of course they were quite surprised and somewhat frightened, but were soon placed at ease. One of these O'Reilly, offered to go to the fort and say to the garrison that if they would surrender they should be treated with kindness and immediately liberated, to all of which they readily complied, and we took possession of Lapantitlan. The 'garrison' consisted of several Mexican soldiers; there were also a few Texan prisoners of war in the fort.

"The 'fort' was a simple embankment of earth, lined within by fence-rails to hold the dirt in place, and would have answered

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<sup>48</sup> *Westover to General Houston*, Nov. 15, 1835, Binkley, *Correspondence*, I, 83-84; *Johnson, Texas and Texans*, I, 362; *Jones to Fannin*, Nov. 12, 1835, Binkley, *Correspondence*, I, 67-68; *Louisville (Ky.) Public Advertiser*, February 27, 1836, p. 3, c 4; *Yoakum, History of Texas*, II, 19-20; *McGloin's Account, Lamar Papers*, V, 379-380; *Linn, Reminiscences of Fifty Years in Texas*, 118-120; *Wooten, Comprehensive History of Texas*, I, 193-194; *Kennedy, Texas*, 495-496.

tolerably well, perhaps, for a second-rate hog-pen. The captured munitions of war consisted of two four-pounder cannon, eight 'escopets,' or old Spanish guns, and three or four pounds of powder; but no balls for the guns were discovered.

"Captain [Nicolas] Rodriguez, after learning the situation of affairs, retreated across the Nueces and took up position some miles north of us. We had pickets posted to give intelligence of the enemy's movements.

"In the afternoon one-half of our men were crossed to the east bank of the river, so as to be able to meet the Mexicans, should they elect to attack from that quarter. About four o'clock in the afternoon our guards came in with the news that the enemy was advancing. We immediately made preparations to receive him by forming a line of battle near the river in some scattering timber that there abounded.

"The Mexicans opened fire at a distance of two hundred yards, which we returned and with a more accurate aim. A Mexican officer—a brave fellow—stood on the declivity of a slight elevation and fired guns at us as fast as his men could load and hand them to him. Major Kerr, of Jackson County, made him the special target of his practice, and succeeded in wounding the cool fellow, who was borne from the field by two of his comrades. Very few shots were fired after this. We remained masters of the field, and the enemy retired. We had only one man wounded—William Bracken, who had just shot down a Mexican, and was reloading his rifle when he received a shot in the right hand, sweeping away three fingers. A very fine horse, bearing a splendid saddle and other accoutrements, that had escaped from some Mexican officer, came into our camp. Our entire force was crossed to the east bank of the river, after consigning the cannon, which we could not remove, to the channel of the Nueces. The night was extremely dark, and soon after crossing the river we were drenched to the skin by a heavy rain, and that was succeeded by a cold norther, which was the reverse of agreeable.

"A council of war was convened, and it was decided that we should go to the edge of the prairie and camp for the night. Subsequently, however, we headed for the town of San Patricio. The citizens of this village hospitably vied with one another in their efforts to make us comfortable. A number of the men of the place had been impressed into the Mexican service by Captain Rodriguez, and their anxious wives and relations were mourning their—supposed—unfortunate fate, as they feared that they had been killed in the battle. But the next day the patriotic citizens of 'Saint Patrick's' returned to their homes and wives unscathed.

The next morning a flag of truce was sent us, asking permission to send in the Mexican wounded, they having no surgeon. In compliance with our permission the wounded arrived a few hours later, and among them the second officer in command, Lieutenant Marcellino Garcia, who was mortally wounded and died the next day. Lieutenant Garcia was a particular friend of the author, who did all that was possible to mitigate his excruciating pains the few hours that his lamp of life was permitted to burn. He presented me the horse that had borne him through the battle.

"With his last breath Lieut. Garcia deplored the unhappy relations existing between Texas and the mother-country in consequence of Santa Anna's ambitious purposes. He was opposed to the schemes of the wily and unreliable president-general, and at heart a sympathizer with the Texans; but, being an officer of the regular service, had no option in the premises.

"Lieutenant Garcia's remains were interned by his generous enemies with the honors of war.

"Some of the men discovered an oven full of tempting bread and cakes, which, in the absence of the owner, they appropriated to their own use. But presently an aged female made known her loss, and the company decreed that she should be repaid, and I, being the only Texan present who had any money, was forced to send the good woman on her way rejoicing in the possession of four silver dollars.

"An uncompleted building, intended for a barrack, was burned, and we despatched a courier to Rodriguez, inviting him to another pleasant meeting; but that gentleman replied that he could not cope with the Texas rifles and could not accept the invitation. He soon after departed for Matamoras . . ."<sup>49</sup>

Captain Dimmitt was not satisfied with Westover's execution of his orders,<sup>49/1</sup> for while the Mexican garrison had been beaten up and severely punished; its remnants were free to resume possession of Fort Lipantitlan after the Texians had left.<sup>50</sup> Further, Sabriego and Moya had not been captured, nor were the public *caballardo* and artillery brought back. It is true that a *caballardo* of 50 belonging to a French resident of New Orleans, Bartolome Pajes, had been taken on the Nucces, and brought to Goliad. But Dimmitt had been compelled to recognize the property as not being contraband. He requisitioned the horses for the New Orleans Greys, but gave Pajes an order on the Provisional Government for payment.<sup>51</sup> The success

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<sup>49</sup> Linn, *Reminiscences of Fifty Years in Texas*, 118-122

<sup>49/1</sup> Sabriego escaped to Mexico, and served for many years as a regular army officer. See Green, *Mier Expedition*, 129-132

<sup>50</sup> Dimmitt to Austin, November 13, 1835, *Austin Papers*, III, 251

Dimmitt to Robinson, Dec. 28, 1835, Binklev, *Correspondence*, 245

Turner to Dimmitt, November 30, 1835, Binkley, *Correspondence*, I, 155-156



at Lipantitlan, however, had a fine moral effect over the country, and was highly valuable to the Texian cause. Austin praised it in an official report, in which he commented that "the enemy has been driven from the River Nueces by a detachment of the volunteers who garrison Goliad, and by the patriotic sons of Ireland from Power's colony,"<sup>52</sup> and the General Council publicly thanked Westover for his splendid achievement.<sup>53</sup> Because of Dimmitt's censure and the Viesca episode, which will be next related, Westover refused to make a written report to Dimmitt, but instead made it direct to General Sam Houston.<sup>54</sup> Dimmitt planned a second expedition to the Nueces.<sup>54/1</sup>

While the expedition was returning from its brilliant exploit, it was overtaken at the Aransas River by Governor Augustin Viesca, deposed governor of Coahuila and Texas and his entourage.<sup>55</sup> It will be remembered that when Santa Anna dispersed the constitutional government of the state, Viesca, Cameron, Milam, Grant and others attempted to escape to Texas, but were captured and imprisoned. Milam was among the first to break out of prison and joined Collinsworth in the attack on Goliad. Now the rest of the party had succeeded in regaining their liberty. In the governor's party were Dr. John Cameron, (a Refugio colonist), Dr. James Grant, Jose Miguel Aldrete, (Refugio colonist), the State Land Commissioner, and J. Mariano Yrala, the Secretary of State.<sup>56</sup> The deposed officers had been rescued by a body of state troops,<sup>57</sup> and at the time the Viesca party overtook Westover's men it was being protected by 20 Coahuiltecan cavalry under Colonel Jose Maria Gonzales.

Power and Linn were personally acquainted with the governor and most of his party and gave them a cordial welcome and brought them on to Refugio.<sup>58</sup>

Governor Viesca and his party remained at Refugio to rest, while Westover and his command went on to Goliad. Colonel Power remained at Refugio to act as host to the distinguished refugees. Dr. John Cameron advised the citizens of Santa Anna's plans for an invasion of Texas in the spring. Westover and his little band of

<sup>51</sup> Dimmitt to Pajes, receipt and order, November 18, 1835, Binkley, *Correspondence*, I, 160; Pajes to General Council, December 2, 1835, Binkley, *Correspondence*, I, 159. Order approving account, December 4, 1835, G. L. I, 620-621. Incidentally Pajes was later implicated in the attempted escape of Santa Anna, *Lamar Papers*, I, 441-443.

<sup>52</sup> Austin to Provisional Governor, November 30, 1835, *Austin Papers*, III, 272

Footnote, *Texas and the Texans*, II, 162-163

<sup>53</sup> *Proceedings of General Council*, December 1, 1835, G. L. I, 609

<sup>54</sup> Westover to General Houston, November 15, 1835, Binkley, *Correspondence*, I, 83-84; Williams, *Writings of Sam Houston*, I, 307

<sup>54/1</sup> Binkley, *Corr.* I, 86-88

<sup>55</sup> Linn, *Reminiscences of Fifty Years in Texas*, 123

<sup>56</sup> Philip Power, *Memoirs*; Toler, *Statement in Lamar Papers*, IV, pt. 1, 96

<sup>57</sup> Wortham, *History of Texas*, II, 201

<sup>58</sup> Philip Power, *Memoirs*

heroes reached Goliad on the afternoon of November 10 and reported to his redoubtable chief his success at Lipantitlan and the news that the governor's party would arrive at Goliad the next day.

The advent of Governor Viesca presented a delicate political and diplomatic problem to Captain Dimmitt, who was neither politician nor diplomat. He considered that the official reception of Viesca as the constitutional governor of Texas might be construed as an acknowledgment of Mexican sovereignty, and Dimmitt was one of the first exponents of complete independence from Mexico and never swerved in this policy. Accordingly he determined to receive Viesca as a distinguished visitor but not as governor of the state. He arranged for comfortable quarters and the best hospitality the garrison could afford and on the morrow sent an escort of honor under Captain Robert C. Morris, whose company of New Orleans Greys was then at the fort, to meet the Viesca party on the Refugio road.<sup>59</sup> Captain Morris and Lieutenant William G. Cooke (also of the Greys), two other American officers, two Mexican officers, and Messrs. Kerr and Linn met the distinguished guests and escorted them to the *presidio*. Colonel Power came from Refugio with Viesca. Upon their arrival they were greeted with friendliness, but no salute was fired in their honor.<sup>60</sup>

The deposed governor and Colonel Gonzales declared themselves to be mortified at this "cold" treatment of the constitutional executive. Dr. Grant was vociferous in his denunciation of Dimmitt's conduct, while Dr. Cameron protested more mildly. Kerr and Linn, who did not at that time favor complete independence for Texas, and A. H. Jones were outspoken in their sympathies for the governor. The civilian population, largely Mexican, under the leadership of Thomas G. Western and the *alcalde* Roberto Galan, openly criticized the "outrageous" conduct of Dimmitt. Colonel Gonzales, in high dudgeon, refused to remain longer in the fort and rode off with his cavalry troop towards the Lavaca. Governor Viesca and James Kerr evidently went with them, as we next hear of the governor being Kerr and Padilla's guest on the Guadalupe. Grant and Cameron remained at the fort for a few days, to take letters of protest to General Austin at Bexar.

Such dramatic acts could not help having their effect upon the garrison, as well as the civil population. At the parade that afternoon

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<sup>59</sup> Dimmitt to Austin, November 13, 1835, *Austin Papers*, III, 249-250

*Austin's Order Book*, in 11 Q. 51

*Dimmitt to Martin*, November 15, 1835, Binkley, *Correspondence*, I, 85; see id. p. 117

<sup>60</sup> Brown, *History of Texas*, I, 376-377

one of the soldiers, who conceived Viesca to have been wrongfully snubbed, refused to obey orders and stepped out of ranks and began haranguing his comrades. Dimmitt promptly had him incarcerated in the garrison jail. Shortly afterwards a soldier coming from Western's house came to the jail and sought to release the prisoner, threatening the guard with a pistol. The "self-styled liberator," however, was compelled to flee and took refuge in Western's house. Whereupon, Dimmitt sent Lieutenant Borden with a detail of 15 men to arrest the fugitive. Borden found Western's house closed, and his demands to open up were met with threats of death. He finally prepared to force the doors, but was not required to go to such lengths, as the fugitive was then surrendered to him.

Borden had been so long delayed that Dimmitt became worried about him. He therefore ordered Adjutant Westover to take 10 men and go to Borden's relief. Westover openly refused to obey the order, whereupon Dimmitt without any ado removed the hero of Lipantitlan as an officer of the post. This episode ended Westover's valuable connection with this historic command. He theretofore had been elected a delegate from Goliad, and a few days later he went to San Felipe and took his place in the General Council.

Among the civil population there appear to have grown up considerable defiance of Dimmitt and threats of disorder. Dimmitt acted promptly to nip the disorders in the bud by putting the "Town and environs of Goliad under Martial Law," on the same hectic day of November 11. Discipline was immediately restored in the garrison, and order was preserved in the town.<sup>61</sup>

Dimmitt's troubles were not ended, however. General Austin was deluged with protests and complaints, both written and verbal, most of which came to Bexar via Doctors Grant and Cameron. Among these letters were those of Governor Viesca,<sup>62</sup> and John J. Linn,<sup>63</sup> James Kerr,<sup>64</sup> Thomas G. Western,<sup>65</sup> Roberto Galan, *alcalde*,<sup>66</sup> and A. H. Jones<sup>67</sup>.

Stephen F. Austin, it will be remembered, was one of the last important leaders to favor Texas independence. He felt that Dimmitt's acts were calculated to alienate the good-will of Mexican Federalists toward the Texians. Having received these reports he wrote apologetic letters to Viesca, in which he addressed him as

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<sup>61</sup> *Dimmitt to Austin*, November 13, 1835, *Austin Papers*, III, 249-251

<sup>62</sup> *Austin Papers* III, 248

<sup>63</sup> *Linn to Austin*, Nov. 11, 1835, *Binkley, Correspondence*, I, 66

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<sup>65</sup> *Western to Austin*, Nov. 13, 1835, *Binkley, Correspondence*, I, 69

<sup>66</sup> *Galan to Austin*, Nov. 13, 1835, *Austin Papers* III, 249

<sup>67</sup> *Jones to Fanmin*, Nov. 12, 1835, *Binkley, Correspondence*, I, 67-68

governor of the state,<sup>68</sup> and Colonel Gonzales, urging them to go on to San Felipe and wrote conciliatory letters to Galan<sup>69</sup> and others explaining that he was removing Dimmitt because of their complaints. On November 18 he issued an order removing Dimmitt from command at Goliad and ordering him to turn over the post to Captain George M. Collinsworth.<sup>70</sup>

Austin's order was received at Goliad on November 21,<sup>71</sup> and the doughty captain prepared to comply therewith, without complaint, and leave for his ranch. The garrison, however, was indignant and on the 21st held a meeting at which the entire command (excepting Dimmitt himself) was present. A letter of protest, containing resolutions, (drafted by Ira Ingram) was drawn up and signed by every member attending and forwarded to General Austin. Among the Refugio colonists who signed this document were James O'Connor, George McKnight, Charles Smith, Isaac Robinson, Edward Quirk, James St. John, Thomas O'Connor, Thomas O'Brien, Michael O'Reilly, Andrew Devereaux, Joseph Benjamin Dale, Michael O'Donnell, Charles Malone, Edward St. John, Elkanah Brush, John James, Morgan O'Brien, Martin Lawler, Patrick O'Leary, William Quinn, John Bowen, Jeremiah Day, Patrick Quinn, John Dunn, Walter Lambert, John Fagan, and Victor Loupe.<sup>72</sup>

The last order issued by General Austin before leaving the army to go as Commissioner to the United States was an order to Dimmitt to hold Goliad, that Colonel James Bowie would proceed to that place in a few days.<sup>73</sup> Austin had previously advised the Provisional Government of his removal of Dimmitt.<sup>74</sup> Colonel Bowie went to Goliad, but there is no record of his having assumed command. Colonel F. W. Johnson, also opposed to complete independence, on December 17 urged the General Council to remove Dimmitt, who was still holding forth at Goliad.<sup>75</sup> The Council "quashed" the proceedings against Dimmitt,<sup>76</sup> recognized him as commandant, and appointed a commissary for his garrison.<sup>77</sup>

Captain Robert C. Morris, it has been noted, was in charge of the escort which met the Viesca party. The New Orleans Greys, of which he was commander and which subsequently figure in the

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<sup>68</sup> *Austin to Viesca*, Nov. 18, 1835, *Austin Papers*, III, 260

<sup>69</sup> *Austin to Gonzales*, Nov. 18, 1835, *Austin Papers*, III, 258-259

<sup>70</sup> *Austin to Galan*, Nov. 18, 1835, 11 Q. 48

<sup>71</sup> *Austin's Order Book*, 11 Q. 47-48

<sup>72</sup> Brown, *History of Texas*, I, 376-379

Binkley, *Correspondence of the Texas Revolution*, I, 102-106

<sup>73</sup> *Austin's Order Book*, 11 Q. 54-55

<sup>74</sup> *Austin's Order Book*, 11 Q. 51

<sup>75</sup> Binkley, *Correspondence*, I, 203

<sup>76</sup> Binkley, *Correspondence*, I, 124-126

<sup>77</sup> *Proceedings of General Council*, 101, G. L. I, 649



history of our county, landed from the schooner *Columbus* at Brazoria, in October, 1835. After being mustered into Texian service, they marched to Bexar, to join in the siege of that place. En route it stopped for a day at Victoria and rested from about November 9 to 15 at Goliad, where it was well entertained by Dimmitt's garrison. Dimmitt impressed and delivered to them 50 horses belonging to Bartolome Pajes.<sup>78</sup> On the 15th it resumed its march reporting at Bexar on the 21st. It rendered signal service to Texas in that memorable siege.<sup>79</sup>

The dashing new uniform and youthful enthusiasm of these volunteers was contagious, and a number of Refugio colonists, including a few of Dimmitt's garrison, joined their march to Bexar, and some joined this particular unit.

During the last days of November, Captain Pedro Juan Miracle arrived at Goliad from Tamaulipas. He was en route to San Felipe, having been sent by the Tamaulipekan revolutionist, General Antonio Canales, to learn the true intention of the Texians with respect to independence from Mexico. (We will encounter Canales again in the chapter dealing with the Federalist Wars 1838-1841, and the Battle of the Nueces, 1842). On November 29, Dimmitt sent Captain Miracle on to San Felipe, entrusting in his custody the cadet Juan de la Garza, who was one of the Mexican officers captured by Collinsworth.<sup>80</sup> Miracle visited San Felipe and was entrusted with messages to Mexia and insurgents in Mexico. He returned via Goliad in the latter part of December.

Hugh McDonald Fraser, one of the delegates from Refugio municipality, like Power and Malone, had delayed going to San Felipe, in order to participate in the Lipantitlan expedition. After the return to Goliad, Fraser decided not to go on with Colonel Power, as he had some business which required his attention. He therefore remained with the garrison, of which he was a member, visiting Refugio from time to time. A few weeks later he got into trouble with Captain Dimmitt over a stock of manufactured tobacco which both Dimmitt and the civil authorities at Goliad had seized. A court of inquiry was appointed by Dimmitt, and it found that the tobacco had been taken from the depository by Fraser and sold by

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<sup>78</sup> *Austin Papers*, III, 251

<sup>79</sup> *Dimmitt to Austin*, November 6, 1835, *Austin Papers*, III, 241

*Dimmitt to Austin*, November 11, 1835, *Austin Papers*, III, 249

*Dimmitt to Austin*, November 15, 1835, Binkley, *Correspondence*, I, 83

*Austin's Order Book*, 11 Q. 53

<sup>80</sup> *Dimmitt to Council*, November 29, 1835, Binkley, *Correspondence*, I, 132-133  
*Proceedings of General Council*, 103, 115, G. L. I, 651, 663

him to Western.<sup>81</sup> Fraser was absent at Refugio when this finding was made. Upon his return to Goliad on the afternoon of December 4, he was arrested by order of Captain Dimmitt and put in the garrison jail. Caleb Bennett, a Refugio colonist, who was clerking at Western's store was also arrested.<sup>82</sup>

Fraser was kept in durance vile until December 22; then he was freed by Dimmitt, who had concluded that Ira Westover was the guilty party.<sup>83</sup> In the meanwhile he wrote several pitiful letters to Colonel Power and memorialized the General Council, which pronounced his acts in connection with the tobacco to be "reprehensible,"<sup>84</sup> but on December 10 ordered Dimmitt to either release him or send him to the Council for disposition of his case.<sup>85</sup> Fraser had been released when the order was received by Dimmitt. He returned to Refugio and was afterwards captain of the civic militia.

During the time Dimmitt was commandant at Goliad the Siege of Bexar was in progress, as has been mentioned. Captain Dimmitt requested permission to take his command to Bexar and join in the fighting. The council asked him to stay where he was. Learning that an effort was to be made to take the capital by storm, Dimmitt taking a few of his garrison hastened to Bexar. They arrived in time to participate in the final assaults.

A number of Refugio colonists were at the siege of Bexar, and a number were later in the Alamo with Travis. It is not clear how most of these came to be in Bexar during the siege or came to be in the Alamo in March the following year. Some went with Collinsworth in October, 1835. Some of them joined the *New Orleans Greys* when they passed through Goliad. Some went with Dimmitt to the siege of Bexar. Still others went with Dimmitt when he and the Karankawas went to reinforce the Alamo in January 1836.<sup>86</sup>

The following Refugians appear to have been at the Siege of Bexar: Captain Samuel Blair, James Brown, Elkanah Brush, Dr. John Cameron, Joseph Benjamin Dale, Jeremiah Day, Jr., Captain Philip Dimmitt, Nathaniel Holbrook, Lieut. Wm. E. Howth,\* William Langenheim, Lieut. Edward McCafferty, Lieut. George W.

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<sup>81</sup> *Report of Court of Inquiry*, November 29, 1835, Binkley, *Correspondence*, I, 140, citing *Army Papers*, said date.

<sup>82</sup> *Fraser to Power*, December 6, 1835, Binkley, *Correspondence*, I, 169

<sup>83</sup> *Fraser to Power*, December 22, 1835, Binkley, *Correspondence*, I, 230

<sup>84</sup> *Proceedings of General Council*, 167, 195-196, G. L. I, 715, 743-744

See Linn, *Reminiscences of Fifty Years in Texas*, 199-200

<sup>85</sup> *Proceedings of General Council*, 102, G. L. I, 650

<sup>86</sup> *Texas Guardsman*, October 1943, Amelia Williams states that Dimmitt and Nat Lewis left the Alamo in Feb. 1836, but his soldiers stayed and died there. 37 Q. 309, 36 Q. 268. Incidentally Nat Lewis and Wm. E. Howth became partners during the republic and promoted the City of Avoca (now Alamo Heights at San Antonio).

\* Wm. E. Howth married a member of the de Leon family at Victoria. For his biography see Wharton, *Texas Under Many Flags*, V, 159.

Main, Isaac Robinson, Peter Teal.<sup>87</sup> Dr. John Cameron was General Burleson's interpreter at Cos' surrender.<sup>88</sup> John Pollan hauled provisions to Bexar.

Among the Refugio colonists known to have been in the Alamo on March 6, 1836, and numbered with the victims were: Captain Samuel Blair, James Brown, Jeremiah Day, Jr., Lt. Edward McCafferty, Lt. George W. Maine, and Isaac Robinson.

While at the Siege of Bexar, Dimmitt saw Captain William S. Brown's proposed flag of independence, and designed one of his own from it, as we shall see presently.

Bexar was surrendered to the Texians on December 11, 1835, and Cos and his army under the terms of the capitulation began their march back to Mexico. Captain Dimmitt believed the time propitious for a movement in favor of complete independence of Texas. A few days after his return home following the capitulation of General Cos, he issued a call for a meeting of all citizens living in the vicinity of Goliad to meet at that place on Sunday, December 20, with object of considering the question of Independence.

On that memorable Sunday there gathered in the church of the ancient *presidio* a large concourse of citizens, including the entire garrison of Goliad. Captain Dimmitt was elected chairman of the meeting, and Ira Ingram, whose hand had drafted many notable documents, was elected its secretary. A committee was appointed to draft resolutions truly reflecting the sentiment of the assemblage. In due course the instrument, now known to history as the *Goliad Declaration of Independence*,<sup>89</sup> was prepared and submitted to the meeting for its consideration and action.

The Goliad Declaration of Independence is second only to THE Declaration of March 2, 1836. It was unanimously adopted by the meeting, and large numbers were printed at Brazoria, shortly afterwards, and distributed all over Texas. It played the part Dimmitt intended it should in bringing to an issue the question of absolute independence. Among its 96 signers were the following Refugio colonists:

Miguel Aldrete, John Bowen, Elkanah Brush, M. Carbajal, George W. Cash, Joseph Benjamin Dale, Jeremiah Day, Andrew

<sup>87</sup> Compiled from various sources, including Williams, *Alamo*, 36 Q. 268, 37 Q. 242-291, 309; Ryan, *Shamrock and Cactus*, 48; *Memorial of Refugio and San Patricio Colonists*, 1852, see chap. XXXIII, post; Philip Power, *Memoirs*, Wm. Brennan, James Hannan, and Wm. S. Brown, were also at Siege of Bexar.

<sup>88</sup> Johnson, *Texas and Texans*, I, 360; Brown, *History of Texas*, I, 421

<sup>89</sup> *Goliad Declaration of Independence*. G. L. I, 817-820

Johnson, *Texas and Texans*, I, 386-389

Yoakum, *History of Texas*, II, 47; Brown, *History of Texas*, I, 431-432

Mitchell, *First Flag of Texas Independence*

Williams to Barrett, January 2, 1836. Binkley, *Correspondence*, I, 266

Devereaux, Philip Dimmitt (later a Refugio citizen), Edward Fitzgerald, William Gould, Timothy Hart, Nathaniel Holbrook, William E. Howth, Peter Hynes, John James, Michael Kelly, Walter Lambert, William H. Living, Victor Loupe, Charles Malone, Edward McDonough, Henry J. Morris, Morgan O'Brien, James O'Connor, C. J. O'Connor, Thomas O'Connor, Michael O'Donnell, Patrick O'Leary, Benjamin H. Perkins, John Pollan, William Quinn, Edmund Quirk, William Redmond, William Robertson, Isaac Robinson, Anthony Sayle, Charles Shearn, John Shelly, Edward St. John, James St. John, and William St. John.

After the Declaration had been duly signed, the meeting adjourned to the court-yard of the *presidio*, where it witnessed the raising of the First Flag of Texas Independence. Ryan states that Nicholas Fagan was the soldier who raised the flag.<sup>90</sup> This flag had been prepared, in anticipation that it would be used, from a design made by Captain Dimmitt himself. There is some conflict as to the design, but all authorities agree that its outstanding feature was a bloody arm, grasping a bloody sword. Miss Mary A. Mitchell, who made an exhaustive study of the subject, states that the flag raised at Goliad had a field of pure white, upon which was emblazoned in red the bloody arm and sword, without any superscription whatever.<sup>91</sup> On the other hand, Mamie Wynne Cox, in the *Romantic Flags of Texas*, follows the former view, depicts a design having a large deep blue field in its upper left corner, in which is emblazoned in white an arm grasping a sword from the point of which blood drips upon the shoulder. The flag is filled out with thirteen stripes, seven red and six white. Across the third white stripe from the top is the word INDEPENDENCE.

Mrs. Cox states that Captain William S. Brown made the flag described while at the Siege of Bexar, and after the capitulation brought it with him on his way to Velasco; that he stopped at Goliad while the meeting was in session and urged it to declare for independence and exhibited his flag; that after the flag ceremonies, just described, he went to Velasco, taking his flag with him. At Velasco, on January 8, 1836, the flag was run up in front of the American Hotel.<sup>92</sup>

The records show that Wm. S. Brown was a member of Dim-

<sup>90</sup> Ryan, *Shamrock and Cactus*, 31

<sup>91</sup> Mitchell, *The First Flag of Texas Independence*, 1, 12 (design), quoting *Galveston News*, 1854, 18-19

Ryan, *Shamrock and Cactus*, 31-32. See Linn, p. 57

The "bloody arm" is an ancient Irish symbol of bravery and independence, having its basis in a heroic legend.

<sup>92</sup> Cox, *The Romantic Flags of Texas*, 180-181 (design)

<sup>93</sup> Mitchell, *First Flag of Texas Independence*



mitt's company in December, 1835, and was on detached service.<sup>93</sup> Several members of the garrison were at the storming of Bexar, among them Dr. Baylor, who returned to Goliad after the siege. Brown probably did make the flag which was flown at Velasco; but the flag that Dimmitt ran up at Goliad certainly remained flying there until January 6, 1836, when Dr. Grant threatened to tear it down by force, and Dimmitt furled it to prevent foolish bloodshed. Dimmitt probably got the idea of the bloody arm from Brown's flag.

A committee composed of John Dunn, William S. Brown, Thomas H. Bell, Benjamin J. White, Sr., and William G. Hill was appointed to carry the Declaration to San Felipe and deliver it to the General Council.<sup>94</sup>

The Declaration was delivered to the General Council (December 30), which on January 3d rejected it on report of the State and Judiciary Committee, which denounced it as having been "inconsiderately adopted."<sup>95</sup> The lengthy Committee report severely censures the authors of the Goliad Declaration; but those pioneer soldiers had the satisfaction of knowing that on December 22, 1835, General Austin, at Velasco, for the first time expressed himself as favoring Independence, and that on January 7, only four days after the Council's censure of Dimmitt's movement, the Father of Texas, at New Orleans, declared himself unequivocally for Independence. Thereafter practically every one was "fer it."<sup>96</sup>

The volunteers at Goliad, for the most part, had remained continuously on duty since the date of its capture, October 9. Needless to say they had very little pay, if any at all. The government not only "owed them much but could give them nothing," but this garrison, besides supplying itself and remaking its own arms, had gathered and sent a vast quantity of provisions and a considerable amount of arms to the Texian army besieging Bexar, and had in fact furnished two or three of the outstanding soldiers at Bexar. As we have seen, Dimmitt impressed horses by the score with which to supply other units, such as the Greys. These activities had kept the garrison busy and their minds off their own troubles.

After the fall of Bexar, there were many who believed that the war was over; and the garrison began to get restless and wanted to rejoin their families, many of which were refugees and in necessitous circumstances. They were held at their post at all only by the person-

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<sup>94</sup> Brown, *History of Texas*, I, 432

<sup>95</sup> *Proceedings of the General Council*, 147, 187-188, 208, G. L. I, 715, 735-736, 756

<sup>96</sup> Bancroft, *North Mexican States and Texas*, II, 215

ality of their commander, to whom most of all were very loyal. However, some of the men got their discharges, others were restless, and provisions were low. It will be remembered that, in addition to its other demands, it had supplied provisions for many months to the refugee families at Refugio, Goliad and Victoria. As Dimmitt wrote the governor, they had now reached the end of their rope, and the devoted commander began to deluge the Provisional Government with appeals for provisions and reinforcements and some pay for the troops. These appeals began about December 2 and continued into the next month.<sup>97</sup> "Our stock is nearly consumed, both of ammunition & sustenance and our volunteers are suffering for winter clothing."

The only response to the first appeal was a resolution of the Council, adopted December 10, appointing John Fagan a commissary to the Goliad command, with authority to purchase supplies on the credit of the government and if they could not be purchased, "to press the same for the use of said troops."<sup>98</sup> At this juncture Colonel Frank W. Johnson, probably at Dr. Grant's instigation, was urging the Governor to remove Dimmitt from command.<sup>99</sup>

Dimmitt, on receipt of the copy of the resolution appointing Fagan, on the 18th wrote the Governor, with his characteristic bluntness, that he regarded Fagan as incompetent, because he, Fagan, was an old man; that he had no objection to Fagan personally but that the duties of the place required action. He further reported that he had a rumor that the Mexicans were preparing to re-occupy Lipan-titlan and asked that he be permitted to forestall them. He concluded with a frank statement that unless provisions were forthcoming immediately, he would be under necessity of withdrawing from the fort and suggested that his garrison be relieved by other troops.<sup>100</sup>

This final appeal produced action on part of the Council. On January 6, its military affairs committee submitted the following report, which was adopted sometime thereafter.

"Your committee to whom was referred the communications and reports received from P. Dimit, commandant at Goliad, have had the same under consideration, and we beg leave to report that it is important to afford, so far as in our power such relief to

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<sup>97</sup> Dimmitt to Governor Smith, December 2, 1835, Binkley, *Correspondence*, I, 153-155. See also G. L. I, 626, 639, 664

<sup>98</sup> *Proceedings of General Council*, 101-102, G. L. I, 649-650

<sup>99</sup> Johnson to Governor, December 18, 1835, Binkley, *Correspondence*, I, 220-221  
*Proceedings of General Council*, 167, G. L. I, 715

<sup>100</sup> Dimmitt to Governor, December 28, 1835, Binkley, *Correspondence*, I, 242-248

Captain Dimit as he asks for. He states officially that he is in want of provisions, and that many troops under his command have families, who are entirely dependent upon their labor for subsistence, and that they have been in the service of Texas from the commencement of the war.

"Your committee would therefore recommend, that Captain Dimit, through his contractor or commissary, procure such supplies and provisions for the troops under his command, as are necessary for them, until provisions and supplies can be sent to that post by an agent in New Orleans. And that, further, he be authorized to appoint a suitable contractor to obtain such provisions, in the place of the one already appointed by the General Council.

"Your committee would further recommend that Captain Dimit be earnestly requested to remain commandant at Goliad, and to keep as many of the troops at present under his command, as will remain at that post.

"Your committee further recommends that the commandant at Goliad, be authorized and empowered to dispose of the public property under his charge at Goliad, by public vendue, after giving ten days notice of said sale, and for the money due by the Government to the troops at that fort to be considered as cash paid by said troops for such articles, as they may wish to purchase, to that amount for which Government may be indebted to them for their services, in all cases taking sufficient vouchers from said troops. Provided, that said commandant shall not dispose of any public property that will be necessary for the use of the army.

"Your committee would further recommend to the Honorable the General Council, to request his Excellency the Governor, to order troops to the relief of the Commandant of Goliad, and, further, should Captain P. Dimit resign the command which he now holds at the fort of Goliad, that he be and is hereby requested to make out a complete muster roll and army report to the Provisional Government, of the troops, their names, and everything connected with the situation of said fort; the quantity of provisions and ammunition; and also the officer whom he leaves in command."<sup>101</sup>

After a long and unexplained delay Acting Governor, Robinson, on January 18, wrote Dimmitt as follows:

"San Felipe de Austin, Jany. 18, 1836

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<sup>101</sup> *Proceedings of General Council*, 175-177, 191, 192, 193, 197, 205, G. L. I, 723, 725, 739, 740, 741, 745, 753

To Capt. P. Dimmitt,  
Sir,

In conformity to the inclosed resolutions you will proceed to sell the public property therein specified under the restrictions & regulations, enumerated in the same.

You and your brave men are most earnestly requested not to abandon the important fortress of Goliad & the public property in that place, until your place can be supplied by other Troops.

Gen. Sam Houston, the commanding General of the Army of Texas, will I am fully satisfied make all necessary arrangements for your relief.

Too much praise cannot be given to you & the patriotic citizen soldiers under your command at Fort Goliad, and in due time they will receive the rich reward that a *free* and grateful people has in reserve for them.

I am your obt. svt.

J. W. Robinson, acting Gov."<sup>102</sup>

Whether Captain Dimmitt knew of the provisions of the Council's resolutions prior to the transmittal thereof by the Acting Governor is not known. It is probable that he had advance notice thereof. However, any benefit of the order was dissipated by the appearance of the Johnson and Grant expedition in Goliad on January 4. Dr. Grant (Colonel Johnson being at San Felipe) took umbrage at seeing Dimmitt's Flag of Independence flying over the fort. He demanded that it be taken down, and finally threatened to take it down by force, if necessary. Dimmitt, knowing the irresponsible temper of the man, had the flag lowered (January 5) rather than to provoke fratricidal bloodshed. Grant then demanded provisions for his forces, which Dimmitt generously furnished him. Grant then culminated his selfish, high-handed, and arrogant acts with the seizure of most of Dimmitt's *caballardo*, on January 9.<sup>103</sup> He also seized horses and property of civilians of the locality.<sup>104</sup> This act decided Dimmitt as to the course he would take. On January 10 he had the final muster roll of his historic company compiled, as the Council had required<sup>105</sup> and prepared to evacuate the fort. He gave honorable discharge to all the men who desired it, which included most of the Refugio men,

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<sup>102</sup> Binkley, *Correspondence of the Texas Revolution*, I, 306

<sup>103</sup> Brown, *History of Texas*, I, 503, (General Houston's Report); *Dimmitt to Governor*, January 10, 1836, Binkley, *Correspondence*, I, 284-285

<sup>104</sup> *Proceedings of General Council*, G. L. I, 755, 777, 778

<sup>105</sup> *Muster Roll of January 10, 1836. Texas Almanac*, 18—

For conduct of Grant at Goliad, see: Reuben R. Brown's Account, *Lamar Papers*, V, 368; William G. Cooke's Account, *Lamar Papers*, IV, pt. I 42



whose homes and families were in the Goliad area, and who saw no need of returning with Dimmitt to the Lavaca. A few of the Refugians, who sincerely loved their rather remarkable captain, remained with him, as we presently shall see. All stores not needed for his retreat to the Lavaca, Dimmitt voluntarily turned over to the unappreciative Grant.<sup>106</sup>

The discharged Refugio men left Goliad the 10th, 11th, and 12th. On the 13th Dimmitt with the Matagorda men and few Refugians referred to marched out of Goliad towards Victoria. On the 14th they met General Sam Houston and his staff, who were on their way to Refugio.<sup>107</sup>



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<sup>106</sup> William G. Cooke's Account, in *Lamar Papers*, IV, pt. 1, 42

<sup>107</sup> Brown, *History of Texas*, I, 503 (General Houston's report)

## CHAPTER XIII

### PROVISIONAL GOVERNMENT



GENERAL CONSULTATION of the People of Texas was called at the instance of the Municipality of Columbia, to be held at San Felipe de Austin on October 15, 1835. Each municipality was to elect on October 5 five delegates to represent it in this convention. In view of the war situation, Stephen F. Austin, who headed the arrangement committee, requested that each Committee of Safety and Correspondence send one member to San Felipe to form a Permanent Council, to act until the Consultation should assemble. Such was done by a few members, who organized themselves as the Permanent Council on October 11. Delegates to the General Consultation began to arrive and were added to the Permanent Counsel, which continued to function until November 3, as on October 15, there was no quorum to open the General Consultation.<sup>1</sup>

On November 3, a quorum being present, the General Consultation began functioning and remained in session until the 14th, when it recessed until March 1, 1836, subject to being called into session intermediately by its presiding officer. During its short duration it accomplished much basically important business, among which were a public declaration of the reasons of the colonists taking up arms, and the objectives of the revolution, the adoption of a plan for a provisional government, an order to all land commissioners, empresarios and surveyors to cease locating lands until a legal land office was established, the creation of a military establishment for the prosecution of the war, the establishment of the state ranger force, and organization of the municipal militia on the third Monday of December. The plan for a provisional government was in the form of a constitution and provided for a governor, lieutenant-governor, and a council composed of one delegate from each municipality, who should be chosen by majority vote of the delegation of which he was a member. As this was afterwards practically construed, the members of each delegation could, and often did, take turn about in sitting in the General Council. One of the last acts of the General Consultation

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<sup>1</sup> Barker, *Journal of the Permanent Council*, 7 Q 249 (250-251)

Johnson, *Texas and Texans*, I, 284-312.

Steen, *Work of the General Council*, 40 Q 309-333, 41 Q. 225-240, 324-348.

was to pass a resolution thanking Captain Collinsworth and his men for their capture of Goliad.<sup>2</sup>

The municipalities of Refugio, San Patricio, Goliad, and Victoria were not represented in either the Permanent Council or the General Consultation, because of cogent reasons which have been seen. On the election day, October 5, all of these municipalities, with possible exception of Victoria, were under the invader's heel; hence, no election was practicable in the first three named on that date, or for several days after. The capture of Goliad (October 9) transferred most of the electorate of Refugio to Goliad, where they were doing duty as soldiers. The election of delegates from Refugio was held October 15 and, it appears, at Goliad. James Power, John Malone and Hugh McDonald Fraser were the delegates elected from this municipality. Five delegates were allowed under the call, but if more than three were elected, no record of it has been found.

The scope of this history is confined, necessarily, to the participation of Refugio municipality in the deliberations of the General Council and proceedings of that body especially affecting this municipality. However, it so happened in the peculiar order of things that several Refugio colonists represented other municipalities, and for that reason the activities of these citizens as representatives of other localities will be touched upon generally in this story. Ira Westover was one of the delegates from Goliad. The date and circumstances of his election are rather obscure; but after some misgivings as to legality, he was in time duly seated as a member of the General Council. John J. Linn, although in fact a citizen of Victoria, had received the grant of a *solare* in the *Villa de Refugio*, and we are proud to claim him as a part-colonist of the Power colony. He was a delegate from Victoria municipality. John White Bower and Lewis Ayres were originally San Patricio colonists, but Bower had transferred his residence to Refugio before the revolution, and Ayres had acquired property here and was in the process of moving when the war came on. Both of them were more prominently connected with Refugio than with San Patricio. Bower, Ayres, and John McMullen were delegates from the municipality of San Patricio. They, too, were probably elected at Goliad, and at a late date.

Power, Fraser, Westover, Linn, and Kerr all delegates to the Consultation took part in the Lipantitlan expedition, preferring this

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<sup>2</sup> *Journals of the Consultation*: G. L. I. 507-548.

Bancroft, *North Mexican States and Texas*, II, 171-174.

Yoakum, *History of Texas*, II, 11-14.

Johnson, *Texas and Texans*, I, 250-262; 284-312; (provisional Government, 312-341.

Williams, *Writings of Sam Houston*, I, 306-307.

more hazardous service to the comparative safety of the council-chamber. The Consultation had permanently recessed by the time they returned from the expedition and before they could get to San Felipe. Therefore, none of them served in that memorable body.

Power and Westover probably went to San Felipe together. Linn was unable to go at that time, and his municipality was represented by J. A. Padilla 'by courtesy.'<sup>3</sup> Power arrived at San Felipe on November 21 and gave a first hand report of the Lipantitlan expedition and the arrival of Governor Viesca. His report was made the subject of a news dispatch which appeared in most of the newspapers in the United States.<sup>4</sup> Power took his seat in the General Council on November 23, his credentials having been presented the day before. Westover took his seat the same day, provisionally, it would seem, as some question was raised as to the legality of his election.<sup>5</sup> Both men became prominent and active in the work of the council and received strong committee appointments. Westover was added to the standing committee on naval affairs and a few days later sponsored the resolution creating the Texas navy.<sup>6</sup>

Colonel Power, because of his broad business experience, his splendid scholarship in the Spanish language, his intimate knowledge of men and events in Mexico, his good common-sense, boundless energy and superlative manners, was from the beginning one of the towering and influential personalities in that historic body. There were few members who stood to lose more individually by unselfish patriotism than Colonel Power and General Austin. This fine trait of character was ever exemplified throughout Power's long and useful public life.

One of the first tasks of the Council was to reorganize local government and place it in loyal hands. The delegates nominated the municipal officers for their respective constituencies. On November 26 these elections were held. Martin Power was elected first judge and Martin Lawler, second judge of the Refugio municipality. On the nominations of Westover, Encarnacion Vasquez and Roberto Galan were elected first and second judge, respectively, of Goliad. Captain Placido Benavides and Francisco Cardinas were elected to the same

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<sup>3</sup> Linn, *Reminiscences of Fifty Years in Texas*, 44 note.

<sup>4</sup> *Kentucky Gazette*, December 26, 1835.

*New Orleans Post*, December 5, 1835.

<sup>5</sup> *Proceedings of General Council*, 33-34, G. L. I, 581-582.

<sup>6</sup> *Id.*, cit. G. L. I, 587.

On November 29, certificate of election of Ira Westover, Thomas G. Western, Peter Grayson, Benjamin Fort Smith, and Dr. James Grant, as delegates from Goliad was filed, which appeared to settle the question of Westover's eligibility *proceedings of General Council*, 3, G. L. I, 601.



offices for Victoria.<sup>7</sup> As the delegation from San Patricio did not arrive until the 30th, no election was made of civil or military officers for that municipality until later.

Following the election of civil officers, commissioners were elected to organize the militia (composed of men 16 to 50 years old) in each municipality. The nominations were also by the delegate from each constituency. Robert Carlisle, John Coughlin, and Elkanah Brush were elected for Refugio. Caleb Bennett (a Refugio colonist), Antonio Vasquez, and Ramon Falcon were elected for Goliad; and Captain Placido Benavides, Sylvestre de Leon, and Manuel Carbajal, for Victoria.<sup>8</sup> On December 8 George McKnight was substituted as commissioner for Elkanah Brush, "who is absent."<sup>9</sup> On motion of Colonel Power, on the 28th November, John Dunn was elected to the Select Committee for purchase of supplies for the Texian army, and it was provided that such supplies should be brought to El Copano, and thence transported to Bexar.<sup>10</sup>

About this time a letter from Joel T. Case, secretary to the Mobile, Alabama, Committee of Friends of Texas, was read to the convention. Case, who later moved to Texas, and became one of the first justices of Refugio County, was indefatigable in raising men, money and supplies to help the Texians in their struggle for liberty.<sup>11</sup> In after years Case was a Mayor of Victoria.

On November 29 officers for the regular army were nominated. George M. Collinsworth was elected Captain, and William E. Howth (a Refugio colonist), 2d lieutenant of infantry. Incidentally, Isaac W. Burton, of the "Horse Marine" incident at El Copano, a year later, was elected captain of the rangers.<sup>12</sup>

Several Mexican officers were then at San Felipe, having gotten there in various ways. Colonel Sandoval, Ensign de la Garza, and Cadet de la Garza were there as Collinsworth's captives (October 9). Sabriego, it will be remembered, much to Captain Dimmitt's disgust, had been released on parole by the permanent council. Colonel Gonzales, who had accompanied Governor Viesca, was there of his own volition; and Captain Pedro Juan Miracle was there, interested in ascertaining the *true* intentions of the Texians. Were they fighting to preserve the Constitution of 1824, or fighting to separate Texas

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<sup>7</sup> *Proceedings of the General Council*, 41-52 G. L. I. 589-590.

<sup>8</sup> *Proceedings of the General Council*, 42, G. L. I. 590.

<sup>9</sup> *id.* 89, G. L. I. 637.

<sup>10</sup> *id.* 50, G. L. I. 598.

<sup>11</sup> *id.* 51, 89, G. L. I. 599, 637.

Binkley, *Correspondence of Texas Revolution*, I, 12.

<sup>12</sup> *Proceedings of the General Council*, 52, G. L. I. 600.

from Mexico? Sandoval and the de la Garzas were interested in securing their liberty.

Governor Smith, an able man in many respects, had no faith in the Republicanism of any Mexican or the sincerity of their friendship for the Texians. This was indeed an unfortunate quality, as many Mexicans, both in Texas and south of the Rio Grande, proved with their lives their loyalty and good faith to Federalist principles and fidelity to friendship with Texians. Colonel Jose Maria Gonzales was one of these. Colonel Power knew Gonzales to be a gentleman of sterling worth, a man of strong convictions, a loyal soldier and friend, and a leader whose opinions were respected by the Mexican people. At the instance of Power the Council agreed to permit Colonel Gonzales to appear and state his view. This Gonzales did on November 30. He in turn desired to know the real motives and objectives of the Texians, whether they were merely striving to restore constitutional government to the whole of Mexico or to separate Texas from the mother country. The Council appointed a committee, of which Power was a member, to wait on Colonel Gonzales and give him all the information he desired. On December 1 the committee reported that Gonzales was satisfied with the explanation and had volunteered to take his cavalry squadron to Bexar to assist the patriot army. The Council accepted the offer and donated \$500 to provision the refugee soldiers.<sup>13</sup> On December 3 he was ordered by the Council to join Burleson at Bexar,<sup>14</sup> and he did so. On the 9th Governor Smith wrote Burleson to keep his eye on Gonzales and at the first false move to disarm his men and make them prisoners.<sup>15</sup> On December 10 Gonzales issued an address to the Mexican people, calling on them to assist the Texians in the struggle. Yoakum says this address had the effect of bringing many Mexicans to the Texian side and of neutralizing others.<sup>16</sup> After the Fall of Bexar, Gonzales went back to Tamaulipas and led the revolution in that state. He was said to have been on the Nueces river with 170 men on January 17, 1836.<sup>17</sup> On the 30th he had 300 men in the Rio Grande. He was one of the Federalist leaders (1836-1841), and it was due to his loyalty and assistance that the Texians under Colonel Jordan were able to get back to Texas, as we shall hereafter see.<sup>18</sup>

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<sup>13</sup> *Proceedings of General Council*, 57, 63 G. L. I, 605, 611.

Yoakum, *History of Texas*, II, 38.

Wortham, *History of Texas*, III, 37-39.

<sup>14</sup> Binkley, *Correspondence of the Texas Revolution*, I 164 (see also 367-399). Johnson, *Texas and Texans*, I, 339.

<sup>15</sup> Binkley, *Correspondence*, I, 177-178.

<sup>16</sup> Yoakum, *History of Texas*, II, 38.

<sup>17</sup> *Houston to Smith*, Yoakum, *History of Texas*, II 459 Binkley, I, 367.

<sup>18</sup> Huson, *Iron Men*, 39, 60, 125, 143, 152, 166, 181, 194.

When Colonel Sandoval (Collinsworth's captive) learned that Colonel Gonzales was about to leave for Bexar, he announced his conversion to Federalist principles and requested to be allowed to go to Bexar with Gonzales. The Council doubted the sincerity of his conversion and at first ordered him to be taken to a concentration camp at San Felipe but later reconsidered its action and released him on his parole. The two young de la Garzas were paroled at the same time.<sup>19</sup>

One of the acts of the Permanent Council was to provide for a post office department and mail service, and John Rice Jones was appointed Postmaster General. The General Council carried on the work initiated by its predecessor and provided for a permanent postal system and elected Jones as permanent post-master. This was on December 7.<sup>20</sup> On November 21 Postmaster General Jones published a notice requesting sealed proposals for carrying the Texas mail on the routes specified by him, all of which were in east Texas, and on December 26 advertised for bids for carrying mails on additional routes. Route No. 10 was from Victoria, by Goliad and Refugio, to San Patricio, one hundred miles, once in two weeks. To leave Victoria every other Thursday, at 7 o'clock A. M., and arrive at San Patricio the next Saturday at 7 o'clock P. M. To leave San Patricio every other Sunday at 7 o'clock A. M. and arrive at Victoria the next Tuesday, at 7 o'clock P. M. Route 12 was from Mina (Bastrop) to San Patricio via San Felipe. Route No. 15 was between Bexar and Goliad.<sup>21</sup> P. Fitzsimmons was the post master at Refugio (or Wexford) under the Provisional Government of Texas<sup>22</sup> and was probably Refugio's very first postmaster.

John White Bower, John McMullen and Lewis Ayres presented their credentials as delegates from San Patricio on November 30. It appears that all of these gentlemen came, apparently in ignorance that but one of them could be seated. Westover was requested to call on the delegation and ask them to select one of their number to represent their municipality in the Council. At the next morning session it was reported that Lewis Ayres had been chosen by the delegation. Ayres was then sworn and took to his seat.<sup>23</sup>

It is interesting to note that Westover was sitting as a member when his report on the Lipantitlan expedition was read and the

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<sup>19</sup> *Proceedings of the General Council*, 68, 80, 115, 134, 155; G. L. I, 616, 628, 663, 682, 703.

<sup>20</sup> *Newsom, The Postal System of the Republic*, 20 Q 103-107

*Proceedings of the General Council*, 11, 70, 71, 88; G. L. I, 618, 619, 635

<sup>21</sup> Binkley, *Correspondence of the Texas Revolution*, I, 97-101.

<sup>22</sup> Binkley, *Correspondence of the Texas Revolution*, II, 629.

<sup>23</sup> *Proceedings of the General Council*, 59, 60, 61; G. L. I, 607, 608, 609.

General Council adopted, on December 1, a resolution of thanks to him and his men for their services in that connection.<sup>24</sup> It will be remembered that the *caballardo* of Bartolome Pajes had been taken by Westover at Lipantitlan and that Dimmitt had impressed the horses for public service and given Pajes an order on the government for payment at \$17 per head. Pajes presented his order at San Felipe with a memorial alleging that Dimmitt's valuation was too low. Westover presented this memorial, and the Council allowed the bill, but at Dimmitt's figures.<sup>25</sup> It is interesting to note that the memorialist was the same Pajes who was implicated in assisting Santa Anna in his attempted escape in July, 1836.<sup>26</sup>

Captain Dimmitt's appeals for reinforcements and supplies for his garrison were considered by the Council, as were the various complaints made against him by Austin, Viesca, Johnson, Bowie, and others. The action of the Council with regard to supplies already has been discussed. The complaints against the sturdy commandant were "nolle prossed."

Despite the attitude of Governor Smith, which was irritatingly pronounced on the subject, most members of the Council felt that it would be of inestimable benefit to Texas if she had the favor and good will of the liberal Mexicans, both in Texas and in Mexico. To Smith such a Mexican did not exist. On December 6 the Council appointed a committee, of which Colonel Power was one, to draft an address in Spanish to the patriotic citizens of Mexico, explaining the Texian side of the issue between them and Santa Anna. A splendid memorial was submitted by this committee. The Council ordered 500 copies printed in Spanish and 200 in English, and for distribution. To make the document more effective, it was signed by a number of the Council who were thought to be favorably known to the Mexican people. Among the signers were James Power, Ira Westover, Lewis Ayres, James Kerr, and J. A. Padilla.<sup>27</sup>

One of the highlights of the Council was the General Mexia incident. As it is one which has a special interest for Refugians, it will be discussed at greater length than would otherwise be the case.

General Jose Antonio Mexia (in whose honor the Texas city of that name was named) had been a staunch friend of Santa Anna up until the latter became a Centralist. Mexia, who appears to have

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<sup>24</sup> *id.* 61, 62; G. L. I, 609-610.

<sup>25</sup> *id.* 67, 72, 95; G. L. I, 615, 620, 643.

<sup>26</sup> Yoakum, *History of Texas*, II, 192.

Castaneda, *Mexican Side of the Texian Revolution* 134-143 (Caro's account)

<sup>27</sup> *Proceedings of the General Council*, 83-84, 103 (address) 104, G. L. I, 631, 632, 651 (address), 652.



been sincere Republican, became connected with several of the revolts which shortly broke out in Mexico against Santa Anna. These uprisings were crushed, and Mexia escape to New Orleans in 1835, where he began recruiting an expedition to Mexico. The Texian committee assisted him in his endeavors, and an army of 150 men was equipped. Mexia believed no more would be necessary, as he had been advised that Tamaulipas would rise as soon as he landed. His followers were largely Americans and Europeans.

A number of Texians joined the expeditions, whether at New Orleans or on the Texas coast is obscure. Among these Texians were F. Lambert and John M. Allen, both of whom were captains in the Tampico expedition.<sup>28</sup> It appears that Allen and Francis W. Thornton, who afterwards settled in Texas, joined at New Orleans. The Mexia expedition left New Orleans November 6, 1835, and landed at the mouth of the Pánuco on November 13, having arrived there the night before. While no account makes any mention of any stop between New Orleans and the Pánuco, a letter of General Mexia to the General Council of Texas was delivered to Thomas F. McKinney, at Quintana, for transmission to the seat of government<sup>29</sup> and may have been delivered by the general in person.

When he arrived at Pánuco, it was found that there had been a miscarriage in the plans. He also had the misfortune to wreck his vessel and lost his supplies. The garrison at the fort, Guerra's artillery company, however, went over to Mexia. Advance was then made on Tampico; and, in a bitter street fight, Mexia's raw recruits broke and fled, and 31 Americans and Europeans were captured, and afterwards court martialed and shot (December 14).<sup>30</sup> However, the companies commanded by Lambert and Allen stood firm, and enabled an orderly retreat to the coast. General Mexia states that he decided to retreat "after consulting with Cpts. Allen and Lambert (the only two Captains who maintained their character as soldiers.)"<sup>31</sup>

After reaching the coast, Mexia waited in vain for the promised uprisings of the Tamaulipekans. Realizing his cause to be lost, he chartered the American schooner *Halcyon*, then in the harbor, taking on board the remnants of his expedition and Captain Manuel Guerra's artillery company, which would have been shot for their desertion had they remained. Guerra's company served for a time under Colonel Fannin at Goliad, as we shall later see.

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<sup>28</sup> Binkley, *Correspondence of the Texas Revolution*, I, 173, 174 note.

<sup>29</sup> Binkley, *Correspondence of the Texas Revolution*, I, 64, 65. Mexia's letter, dated New Orleans, October 29, 1835, Binkley, I, 27-29.

<sup>30</sup> *New Orleans Courier*, December 24, 1835.

<sup>31</sup> Binkley, *Correspondence of the Texas Revolution*, I, 173; See also, 7, 27-29, 154, 170, 173-174, 197, 198, 204-206, 207, 232, 249-250, 243.

General Mexia arrived at the mouth of the Brazos on December 3 and on the 7th notified the General Council of his arrival. The Americans and Texians under his command desired to leave and go to the siege of Bexar, and most of them did so.<sup>32</sup> Allen and Thornton were commissioned in the Texian army and sent with a small company to garrison the post of El Copano.<sup>33</sup>

A few days after his arrival at Quintana, General Mexia, on December 7, wrote Governor Smith, giving his political views and an account of his unfortunate Tampico expedition and offering to continue in the war against Santa Anna. From the tone of his letter Mexia assumed that he had been acting theretofore in connection with the Texians.<sup>33</sup> The Council had already learned of Mexia's arrival and on December 6 had already initiated measures for his relief.<sup>34</sup> On December 9 Governor Smith returned the bill for Mexia's relief unsigned, giving as his reason, "I have no confidence in General Mexia cooperating in the smallest degree in our favor." He impugned Mexia's motives and suggested that before the Texians outfitted Mexia "that the Government should be advised of his plans. Besides, I consider it bad policy to fit out or trust Mexicans in any matter connected with our Government, as I am well satisfied that we will in the end find them inimical and treacherous."<sup>35</sup> The resolution authorizing Pettus and McKinney to fit out General Mexia and his command was put to a vote and passed over the Governor's veto. Power and Westover voted to override the veto. On the 10th the Council invited General Mexia and his officers and men to repair immediately to Bexar by way of Goliad and there cooperate with the army of the people.<sup>36</sup> (The Council did not know that the Fall of Bexar was then but a matter of hours.) It was resolved that an express be dispatched immediately to General Mexia with a copy of the resolution. Colonel Power offered to personally take the document to Mexia, and his services were accepted.<sup>37</sup> In view of Power's handling the matter personally, the Council authorized the drawing for any amount of money necessary to enable Mexia to go to Bexar.

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<sup>32</sup> Barker, *The Tampico Expedition*, 6 Q 169-186.

Thornton, *Account of Tampico Expedition*, in Lamar Papers, III, 274-276.

Yoakum, *History of Texas*, II, 36-37, 42-43.

Brown, *History of Texas*, I, 443-445, 447.

Huson, *Reporting Texas*, 67-68, 782, quoting Kentucky Gazette, Jan. 16, 1836, R3-C4, for list of Tampico Prisoners court-martialed and shot.

Wortham, *History of Texas*, III, 38-39.

Davenport, *Men of Goliad*, 43 Q, 13.

<sup>33</sup> Mexia to Governor, December 7, 1835, Binkley Correspondence, I, 170-174.

<sup>34</sup> *Proceedings of General Council*, 81, 84 G. L. I, 629, 632.

<sup>35</sup> *id.* 95, 96; G. L. I, 643-644.

<sup>36</sup> *Proceedings of General Council*, 102, G. L. I, 650.

<sup>37</sup> *Proceedings of General Council*, 96, 97, 108 G. L. I, 644, 645, 656.

Power arrived on the coast without delay and found Mexia at Columbia and delivered the documents entrusted to him. His conference with Mexia resulted in the general declining to go to Bexar, but stating his object to be to go to El Copano, to join with the 200 Mexicans who were at Palo Blanco, and then march against Matamoros. The general further stated that he could not place his military character at stake by accepting a command under the Provisional Government of Texas, as Señor Viesca was not governor. Mexia finally announced his intention of going to San Felipe and conferring with the governor and Council in person.<sup>38</sup>

Before Mexia had reached his decision, Colonel Pettus and McKinney (on December 13) began preparations for gathering ammunition and supplies and the shipment thereof, together with the troops, on the steamboat *Laura*, from Bell's Landing to Velasco and thence to El Copano. The troops were to march by land from El Copano to Goliad or any other point according to the result of Mexia's personal conference with the Provisional Government.<sup>39</sup> Mexia on the 13th ordered Captain John M. Allen and his company to take Mexia's artillery and repair to El Copano, where Mexia would join them later.<sup>40</sup> At this juncture news arrived that the storming of Bexar had begun. The American troops with Mexia could not resist the chance of a fight, and they left Mexia and started for Bexar.<sup>41</sup> Mexia gave Captain Allen an honorable discharge.

Mexia did not go in person to San Felipe, but wrote a number of communications to the governor, which were transmitted in due course to the Council, which having by now received the news of the memorable victory and heard Colonel Power's reports (December 15) cooled towards General Mexia. Some of the documents sent by Mexia were designed for delivery to revolutionaries in Tamaulipas. On December 15 the Council entrusted those documents to Captain Miracle, who was ready to depart for Mexico, giving him also a letter of safe conduct to Dimmitt.<sup>42</sup>

On December 17 the Council thanked Colonel Power for his services<sup>43</sup> and after receiving his written report ordered T. F. McKinney to obtain possession of artillery and ammunition which had been brought to Velasco by Mexia, but to be diplomatic about it.<sup>44</sup>

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<sup>38</sup> *Proceedings of the General Council*, 120, 126, G. L. I, 668, 674.

<sup>39</sup> *Pettus to McKinney*, December 13, 1835, Binkley, *Correspondence* I, 190-91.

<sup>40</sup> *Mexia to Governor*, Dec. 15, 1835, Binkley, *Correspondence*, I, 197; *Austin Papers* III, 283.

<sup>41</sup> *Pettus to Council*, Dec. 17, 1835, Binkley, *Correspondence*, I, 204-206.

<sup>42</sup> *Proceedings of General Council*, 120, G. L. I, 668.

<sup>43</sup> *Proceedings of General Council*, 120; G. L. I, 668.

Committee recommending countermarching resolution of Dec. 17, G. L. I, 689.

Mexia, who appears to have been honest and a gentleman in every respect, delivered the stores to McKinney without any difficulty, and on the 23d wrote the governor, noticing in a nice manner the slight given him, and announcing his intention of leaving for New Orleans.<sup>45</sup> Mexia left Texas. Colonel Pettus, however, resigned in disgust. The Select Committee having in charge the outfitting of Mexia, was discharged on the 29th.

On December 7 the Council proceeded to elect additional officers for the regular army. Among those elected were Ira Westover, captain, and Lucius W. Gates, 1st lieutenant, of artillery.<sup>46</sup> These were the commissions held by these men at the time they died with Fannin's men. Westover resigned his seat in the Council on the 17th and went on active duty recruiting his notable company, which was composed for the most part of Refugio and San Patricio colonists. Westover's last service in the Council was as a committeeman with Power and Kerr to dispatch expresses to different parts of the state for volunteers and ammunition.<sup>47</sup>

At the suggestion of Stephen F. Austin, the Council, on December 11, ordered that an election be held in each municipality on February 1, 1836, of delegates to a general convention to be held at Washington-on-the-Brazos, on March 1.<sup>48</sup> This ordinance was passed over Governor Smith's veto, as the resolution gave native-born Mexican citizens of Texas the right to vote, and the Governor thought no consideration should be shown these inhabitants.<sup>49</sup> It has been stated by eminent authorities that this act of the Council "saved Texas."

The Council, on December 11, elected collectors for the various ports of Texas. Mr. Clements nominated Edward Gritton for Collector of the Port of Copano. Gritton was unopposed and was duly elected,<sup>50</sup> but his election, added to an accumulation of incidents, touched off the quarrel between the Governor and Council to a fever-heat. The Governor rejected the election on the grounds that Gritton was disloyal and a spy of the Mexican government.<sup>51</sup> The Governor's objection was overridden.

Lewis Ayres and John J. Linn were put in nomination for Collector of the Port of LaVaca. Ayres got 6 votes to Lynn's 5 and was

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<sup>45</sup> *Mexia to Governor*, December 23, 1835, Brinkley, *Correspondence* I, 332.

<sup>46</sup> *McKinney to Governor*, Dec. 23, 1835, Brinkley, *Correspondence* I, 249-50.

<sup>47</sup> *Proceedings of the General Council*, 88, G. L. I, 636.

<sup>48</sup> *id.* 94, G. L. I, 642.

<sup>49</sup> *id.* 102, 109, G. L. I, 650-657.

<sup>50</sup> Worthan, *History of Texas*, III, 40-41.

<sup>51</sup> *Proceedings of the General Council*, 107, G. L. I, 655.

<sup>52</sup> Barker, James H. C. Miller and Edward Gritton, 13 Q. 145-153.

Bancroft, *North Mexican States and Texas*, II, 194.

Brown, *History of Texas*, I, 448-450.



declared elected; Ayres resigned the same day; and John McMullen, who later became lieutenant-governor of the Provisional Government, took his place. Before vacating, Ayres nominated James McGloin, 1st judge, and John Turner, 2d judge, and John Turner, John McGloin and Daniel O'Boyle as commissioners to organize the Militia, of San Patricio municipality, all of whom were elected.<sup>52</sup> Ayres appointed Robert Carlisle his deputy collector.<sup>53</sup>

Incidentally, William S. Fisher, who later figured in the Federalist Wars, and the Mier Expedition, was elected Collector of the Port of Brazos.<sup>54</sup>

On the same day, John J. Linn took the place of J. A. Padilla as Councilman from Victoria; and Walter Lambert, who was nominated by Westover, was elected 3d lieutenant of artillery.<sup>55</sup>

Bexar had fallen on December 11; and the Council, like the rest of Texas when they heard the glorious news, was jubilant. A melancholy note was heard when it was realized Ben Milam, the real victor of Bexar, was no more. Appropriately the Council appointed a committee to draft suitable resolutions, one congratulating the victorious troops, another lamenting the fallen chief and an address to the Texian Commissioners in the United States notifying them of the upward turn in the fortunes of Texas. Colonel Power was a member of the committee which drafted these historic documents.<sup>56</sup> Incidentally, Colonel Linn introduced a resolution that a monument be erected in memory of Ben Milam.<sup>57</sup> It was many years before a monument to the hero of Bexar was ever built.

On December 17 Colonel Power wrote John Malone to come and take his place in the Council as soon as possible, or if Malone could not come, to send Fraser. He added, "I wish you to bring on a good horse that I may return on as it cost a hat full of money to support a horse here." He hoped to see Malone in eight or nine days.<sup>58</sup> After dispatching this letter, Power introduced before the Council a resolution "that no member of this Council shall be eligible to any office created by them, while members of the Council, nor for three months after they vacate their seats as members." The action of the Council was to order the resolution read and to lie on the table.<sup>59</sup> Power's stand gives some idea of the *empresario's* con-

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<sup>52</sup> *Proceedings of the General Council*, 107, 108, 109, G. L. I, 655-657.

<sup>53</sup> Ayres, *Account*, 9 Q, 279-280.

<sup>54</sup> *Proceedings of the General Council* 107, G. L. I, 655.

Huson, *Iron Men*, 144-145.

<sup>55</sup> *Proceedings of the General Council*, 108, G. L. I, 656.

<sup>56</sup> *Proceedings of the General Council*, 115-119, G. L. I, 664-667.

<sup>57</sup> *Proceedings of the General Council*, 156, G. L. I, 704.

<sup>58</sup> *Power to Malone*, December 17, 1835, Binkley, *Correspondence*, I, 216.

<sup>59</sup> *Proceedings of the General Council*, 130, G. L. I, 678.

ception of the public service. Malone did not appear until January 2, and Power remained in the Council until then.

In addition to the Refugio colony, Power was interested as a secret or silent partner with Dr. John Cameron in his *empresas* along the Red River. The Council desired to make a treaty with the Cherokee Indians, whereby the latter should move from east Texas into the territory of these *empresas*. Sam Houston, Dr. John Cameron, and John Forbes were appointed Commissioners to negotiate with the Indians; and Power and Cameron were requested to consent to an exchange of lands for those to be given the Indians, which the *empresarios* agreed to.<sup>60</sup>

On December 20 there were further elections of regular army officers. No Refugio colonists were included, but elections of interest were those of William P. Miller, to be major of a legion of cavalry; Placido Benavides, to be 1st lieutenant of cavalry; M. Carbajal, to be 2d lieutenant, same, and Darwin M. Stapp, to be a cornet. Major Miller, it will be recollected, was captured at Copano in March, 1836. Captain Benavides was a well-known figure in Refugio County and the ancestor of a prominent family of this county. Stapp had a grant across the Coleta from the Power Colony, was in the Mier Expedition and one of its historians, and was Speaker of the House when the memorial of Refugio and San Patricio colonists against the inroads of land vultures was presented to the Legislature in 1853.

The General Council devoted much of its activities to two outstanding war measures, the defense of the country against an expected new invasion by the Mexicans and the launching of a Texian invasion against Matamoros. In both of these major plans the Power and Hewetson colony figured largely. El Copano and Goliad were military key points, which with Refugio intermediate, entered into both defensive and offensive operations. The Council early took measures to fortify and/or garrison El Copano. In December, 1835, it was decided to raise a company for the special purpose of protecting El Copano. On the 25th John M. Allen, who had returned to Texas with General Mexia, was commissioned a captain and ordered to recruit the new company and garrison the old port. He accepted the assignment but, before proceeding, was sent to New Orleans on recruiting services.<sup>61</sup>

On January 2, 1836, John Malone appeared and relieved Colonel Power. Whether Malone brought along the horse, the record does

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<sup>60</sup> *Proceedings of the General Council*, 126, 150-154, G. L. I, 674, 698, 700-702.

<sup>61</sup> *Proceedings of the General Council*, 146-149, 151, 176, 186, G. L. I, 694-697, 705, 724-734. Binkley, *Correspondence of the Texas Revolution*, I, 240, 257.

not state. Malone was promptly assigned to important committees, including Finance and State and Judiciary.<sup>62</sup> During Malone's tenure action was taken on the Goliad Declaration of Independence, Hugh McDonald Fraser's case, the "Hannah Elizabeth" case, and the impeachment of Governor Smith. The fate of the Goliad Declaration and Hugh McDonald Fraser already has been recounted. Isaac Robinson was appointed a member of the committee to investigate the "Hannah Elizabeth" case, which is of no particular interest to Refugees.

Commencing with the Mexia incident, trouble had brewed between the Council and Governor Smith.<sup>63</sup> The breaking point came when the governor transmitted a most insulting message to the legislative body. The immediate occasion of this was the decision of the Council to pass over the governor's veto an ordinance creating a volunteer army under a command independent of the regular army, under General Sam Houston. The governor was right and the Council wrong in this policy, which proved so disastrous in our own part of Texas, producing, as it did, the Johnson and Grant, King, Ward, and Fannin massacres, each of which cost lives of many of our Refugio colonists. The message of the governor, however, was grossly inexcusable, and resulted in his ouster of January 11, 1836. James W. Robinson, who afterwards became the first district judge of Refugio County, was the lieutenant governor, and he became acting governor on the 14th. John Malone was one of the committee that preferred charges against Smith and signed the address to the people of Texas.<sup>64</sup>

On January 13, 1836, John Malone "introduced an ordinance and decree changing the name of the municipality of Refugio and for other purposes, which was read and the rule of the House suspended, and read a second time, when the rule was further suspended, and the ordinance read a third time, and the question being taken on its final passage it was decided in the affirmative, and it is ordered that the said ordinance and decree do pass, and the title thereof be as aforesaid."<sup>65</sup> The record does not state the name to which the name of the municipality was so changed, nor can the ordinance itself be now found. However, the name of our municipality was unquestionably changed from that of Refugio to that of WEXFORD, from which county in Ireland most of the Irish colonists came.<sup>66</sup>

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<sup>62</sup> *Proceedings of the General Council*, 174, G. L. I. 722.

<sup>63</sup> Smith, *The Quarrel between Governor Smith and the Council*, 5 Q. 269-346.

<sup>64</sup> *Proceedings of the General Council* 211-224 G. L. I. 759-774.

Bancroft, *North Mexican States and Texas*, II, 198.

Brown, *Life and Times of Henry Smith*.

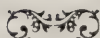
<sup>65</sup> *id.* 127, G. L. I. 775.

<sup>66</sup> Binkley, *Correspondence of the Texas Revolution*, II, 629, Report of John R. Jones, Provisional Post Master General, April 10, 1836, shows Wexford (Refugio) as a postoffice on Route 10.

The General Council practically broke up after January 18, there being no quorum from that time until the official adjournment sine die at Washington-on-the-Brazos on March 11, 1836. Between January 18 and March 1, Acting Governor Robinson functioned with the aid of "Advisory Committees," on which was John Malone.

On January 16 the Council made a final attempt to revivify itself. It made up a list of absentee members from each municipality who were required to attend and make up a quorum. The name of Hugh McDonald Fraser was listed for Refugio municipality (not Wexford).<sup>67</sup>

There is no record that Fraser ever attended any session of the General Council.



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<sup>67</sup> Binkley, *Correspondence of the Texas Revolution*, I, 298.



## CHAPTER XIV

### CONCENTRATIONS AT REFUGIO

THE MILITARY problems of the Texan Revolution were, essentially, problems of supply; and . . . that the Port of Aransas Pass, with its interior landing at Copano, played an important part in both Texan and Mexican plans. In the years immediately prior to the revolution, Copano had become the principal port for Goliad and Bexar. A Mexican army advancing from the Rio Grande must draw its supplies by mule train from the Mexican interior, unless Copano and Aransas Pass, its gulf entrance were Mexican controlled. The Mexican campaign in the Texan colonies involved opening Copano as a Mexican port and military base. On the Texas side, there were no means of transport available sufficient to supply, from elsewhere than Copano, a sizable Texan garrison at Bexar. Of the importance of controlling Copano, both Mexicans and Texans had had recent proof; Cos' army landed there, and Cos had later been starved into capitulation when the Texans, at Goliad Collinsworth's had cut his communication with the coast." Thus the historian Davenport summarizes the military importance of the Power and Hewetson Colony during the Texian Revolution.<sup>1</sup>

After the Fall of Bexar General Burleson and most of the colonist-soldiers returned to their homes, leaving Colonel Francis W. Johnson, one of the heroes of the Siege, in charge as commandant of Bexar. The troops remaining under Colonel Johnson were for the most part volunteers from the United States, who were of an adventurous disposition and restless. It was felt necessary to find some undertaking which would hold their interest and restrain them from straggling back to their homes. Johnson and Dr. Grant, who was with him, had been in the inner circle of the Viesca administration; and they desired nothing better than a return to those good old days. Of the two men, Johnson was a Texian and interested in the welfare of his state and had proved himself on more than one occasion to be a sincere patriot and a gallant soldier. Dr. Grant on the other hand was Mexican in thought and saw Texas

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<sup>1</sup> Davenport, *The Men of Goliad*, 43 Q. 8.

Huson, *El Copano*, 19-24.

Foot, *Texas and the Texans*, II, 104-108, 176-179.

only as a field for speculation which could be better handled through a Mexican officered state government than through Anglo-American officers of a free and independent state. Besides all of his large properties and interests were in Coahuila, and he merely desired to be restored to them. Both of the men, however, agreed that the object of the Texian revolution should be merely to restore the *status quo ante* and not to achieve independence from Mexico. For this reason they cordially disliked Philip Dimmitt, Sam Houston, Governor Smith, and others who espoused a different policy.

Shortly after Johnson had assumed command of Bexar, he and Grant began projecting an expedition against Matamoros.<sup>2</sup> Their idea was that the expedition should be conducted as a Federalist army, loyal to Mexico, with the avowed limited purpose of restoring constitutional government to the northern Mexican States. In this objective they confidently expected to have the cooperation of General Canales, Colonel Gonzales, and other Mexican Federalist leaders, who, upon the appearance of a strong Coahuiltecan force at Matamoros would provoke a popular and spontaneous uprising of the citizens of Tamaulipas. Whereas, if a Texian army having as its purpose the separation of Texas should appear there, they knew the Mexican Federalists would refuse to join in a dismemberment of their country.<sup>3</sup>

The idea of a land expedition against Matamoros originated, publicly at least, with Captain Philip Dimmitt, while he was commandant at Goliad. He suggested the idea to General Austin in a letter of November 14, 1835, and still recommended it as late as December 28.<sup>4</sup> James Bowie took up the idea and offered to raise and lead the expedition. General Houston and Governor Smith, while not enthusiastic over it, were not opposed to it; and on December 17, Houston authorized Bowie to go ahead if he could raise the necessary forces and equipment.<sup>5</sup> Bowie, however, quickly abandoned the idea. Both Dimmitt and Bowie, as well as Houston and Smith, conceived the expedition as a means of carrying the war into the enemy's country and thereby forestalling the

<sup>2</sup> Johnson to Robinson, December 25, 1835, Lamar Papers, I, 272-273.

<sup>3</sup> Barker, *The Texan Revolutionary Army*, 9 Q 227-261.

Johnson, *Texas and Texans*, I, 363-369.

Yoakum, *History of Texas*, II, 46, 47, 48, 49, 51-53.

Brown, *History of Texas*, I, 455-461, 500-502.

Smith, James W. Fannin, Jr. in *the Texas Revolution*, 23 Q. 171-182.

Davenport, *The Men of Goliad*, 43 Q. 1 et seq.

Bartholomae, Ehrenberg.

<sup>4</sup> Dimmitt to Austin, November 14, 1835, Austin Papers, III, 253.

Dimmitt to Robinson, December 28, 1835, Binkley, Correspondence I, 245

Smith, James W. Fannin, Jr., etc. 23 Q. 171.

<sup>5</sup> Houston to Bowie, December 17, 1835; Yoakum, *History of Texas*, II, 454; Williams, *Writings of Sam Houston*, I, 322-323.

Yoakum, *History of Texas*, II, 46-47.

expected invasion of Texas. Under their plan the campaign would be conducted as part of the activities of the regular military establishment and under its duly constituted chiefs and for the purpose of enforcing the general political policies of Texas.

It is apparent that if the idea of Johnson and Grant was to be the one followed, it was essential that an independent command be created and intrusted to those opposed to the independence of Texas. In fact, Johnson and Grant purposed to retain absolute control of their expedition in their own hands. Houston and Smith, of course, could not agree to this.

On December 25 the Council ordered all troops, regular and volunteer, to concentrate at El Copano and San Patricio, in preparation for the expedition. Military stores were ordered to be shipped to Copano.<sup>6</sup> In compliance with these instructions, General Houston, on December 30, ordered all troops and supplies to be concentrated at Copano, but that no campaign be begun without his orders.<sup>7</sup> To secure the safety of the supplies Captains John M. Allen and John Chenoweth were authorized by the Council to recruit two companies for the garrisoning of the port and were ordered to take charge of that port directly.<sup>8</sup> Allen, however, went to New Orleans on recruiting duty, but his lieutenant, Francis W. Thornton, took the remnants of Allen's Tampico company to El Campo, while Chenoweth went to Bexar and brought down additional recruits.<sup>9</sup>

Colonel Johnson went to San Felipe and reported both verbally and in writing that the troops were leaving Bexar for the new front and requested additional supplies and equipment. However, discovering that the Council was about to give the command of the expedition to Colonel Fannin, Johnson on the 5th of January, declined to have any further part in the matter. The next day he changed his mind and offered to proceed.<sup>10</sup> On January 5 the Council appointed J. W. Fannin, "as an agent for and in behalf of the Provisional Government of Texas, to raise, collect and concentrate at, or as near the port of Copano, as convenience and safety will admit, all volunteer troops willing to enter into an expedition against Matamoras." The agent was authorized to call upon Thomas F. McKinney, the general agent of the Commissary or any other agent

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<sup>6</sup> *Proceedings of the General Council*, 147-149, G. L. I, 695-697.

<sup>7</sup> Yoakum, *History of Texas*, II, 49-50.

<sup>8</sup> *Allen and Chenoweth to Council*, Dec. 25, 1835, Binkley, I, 240-241.

<sup>9</sup> *Proceedings of General Council*, 147-149, G. L. I, 695-697.

<sup>10</sup> *Johnson to the Council*, January 3, 1836, Binkley, *Correspondence*, I, 267-268.  
*Proceedings of General Council*, 181-182, G. L. I, 729-730, 738-39, 777-79.  
*Johnson, Texas and Texans*, I, 366-368.

of Texas, for supplies, provisions and transportation, and to negotiate a loan of \$3,000 on credit of the government. The resolution provided further that officers were to be elected after the concentration and that "after the agent of the Government aforesaid, J. W. Fannin, shall have so raised, collected, and concentrated the said volunteer troops, that he shall make a descent upon Matamoros, if he deems it practicable to take said place, or other such point or place, as the said agent may deem proper."<sup>11</sup> The Council, being informed of Johnson's reconsideration, again conferred the authority on him, but did not take away Fannin's authority.<sup>12</sup>

Thus we have three independent heads of the same expedition, all heading for Copano to take control—General Sam Houston, Colonel Francis W. Johnson, and Colonel James W. Fannin.

In this situation, Johnson and Grant started first. Their troops left Bexar on December 30, after having "stripped San Antonio of its munitions and supplies and left Lieutenant-Colonel Neill, an officer of the Government, in command of the fort, with a handful of men, and without means of caring for the sick and wounded."<sup>13</sup> Before leaving the old capital they "pressed the property of the citizens of Bexar, helping themselves to such munitions, etc., at that town as they desired."<sup>14</sup> Enroute to Goliad they "pressed" teams, wagons, and animals from the inhabitants in the high-handed manner, which they adopted throughout their entire short existence.

Upon their arrival at Goliad, Dr. Grant (Johnson still being at San Felipe) acts with insulting arrogance towards the trustworthy old Dimmitt. As has been related, Grant seized what he wanted without regard to Dimmitt's necessities or feelings and, on threat of blood shed, caused Dimmitt to take down his flag of Independence.<sup>15</sup>

The expedition laid around Goliad for several days, then marched to Refugio. Here most of the army remained, camped in and around the town. Johnson and Grant with a few of the companies went on to San Patricio and established their headquarters there.

Herman Ehrenberg, who came down from Bexar with the San Antonio (New Orleans) Greys, describes Refugio as he first saw it on that occasion.

"The mission of Refugio, to which the army directed its March and where it arrived two days after its departure

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<sup>11</sup> *Proceedings of the General Council* 198-199, G. L. I, 746-747.

<sup>12</sup> Smith, *James W. Fannin, Jr. etc.*, 23 Q. 177.

<sup>13</sup> Brown, *History of Texas*, I, 500.

<sup>14</sup> Yoakum, *History of Texas*, II, 51.

<sup>15</sup> Bartholomae, *Ehrenberg* 109-111.



from Goliad, was formerly, like the mission buildings of San Antonio, inhabited by Spanish monks whose object it was to Christianize the Indians. Now only the high decayed walls and the weather-worn roof gave evidence of the Christianizing zeal of the Spaniards . . .

"Scattered about the church were the little houses of Power's Irish colonists, who had only recently settled here. The place was located on a high elevated prairie; and as health and contentment beamed from their features, I believed that the climate here was well adapted to the Europeans. The splendid, fresh, green meadows on which numerous herds of cattle were grazing, each colonist owning at least from two hundred to five hundred head, made this little village one of the most pleasant in the former province of Texas. Towards the southwest the Rio Blanco Mission River ripples down between high rocky[?] bluffs. It begins to be navigable for small craft within a mile from here where it winds down to the Copano Bay through dense forests. The tide of the bay drives the fresh waters back into the level country at regular intervals."

Ehrenberg waxes eloquent in describing the natural beauty of the section, the swarms of birds, the abundance of wild game, and the great herds of horses roaming the prairies. He goes into a rhapsody over the myriad of fresh water fish in the river and the redfish and buffalo in the bay. He concludes, "It was in this region, called by the Mexicans the Eldorado of the West, that the army pitched its camp a little below Refugio during the latter half of the month of January, 1836."<sup>17</sup>

Davenport, in his admirable treatise, *The Men of Goliad*<sup>18</sup> states that six organized companies came from Bexar to Refugio with Johnson and Grant, they being, the *San Antonio Greys* (formerly the New Orleans Greys), under Captain William G. Cooke; the *Mobile Greys*, under Captain David N. Burke; the *Mustangs*, being the mounted sections of two older companies, the *United States Independent Cavalry* and the *Louisville (Ky.) Volunteers*. (The Mustangs were commanded by Captains Benjamin L. Lawrence and James Tarlton); the Louisville Volunteers (unmounted section) under Captain H. R. A. Wigginton; Captain Thomas K. Pearson's artillery company, and Captain Thomas Lewellen's company.<sup>19</sup> Most of these units (excepting the companies of Grey's) had been organized of men from many older companies which were at the Siege of Bexar, and the organizations were not completed until after reaching Refugio.

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<sup>17</sup> Batholomae, *Ehrenberg* 109-111.

<sup>18</sup> Davenport, *The Men of Goliad*, 43 Q. 14.

<sup>19</sup> Davenport, *The Men of Goliad*, 43 Q. 14.

There were several other units at and around Refugio, which had preceded Johnson's command, else arrived within a few days of it. One of these was Chenoweth's company of *United States Invincibles*; another was Captain Allen's company, commanded by Lieutenant Thornton, in the absence of the captain.<sup>20</sup> The companies of Captains Peyton S. Wyatt (the *Huntsville (Ala.) Volunteers*) and Amon B. King, (*Paducah, (Ky.) Company*)<sup>21</sup> arrived about January 20, having marched over-land since December 28, from Washington-on-the-Brazos.<sup>22</sup> Wyatt and King brought with them a letter from General Houston to Colonel Power.<sup>23</sup> This letter, characteristic of its writer, reads

Washington, Texas, December 28, 1835.

DEAR COLONEL: Colonel Wyatt, with two detachments of auxiliary volunteers, is on his way to the vicinity of Copano, for the purpose of protecting that point, so essential to the present posture of our affairs. I hope that you will afford him all possible intelligence, and render to him all necessary aid,—Colonel Wyatt will relieve Captain Allen, who will repair to New Orleans, and return by the first of March. Say to our friends, that, by the rise of grass, we will be on the march.—

SAM HOUSTON

General Houston, on December 30, had ordered Fannin and the volunteer troops under him, the *Georgia Battalion*, to proceed at once to El Copano. Houston expected the order would be obeyed promptly and that he would meet these men when he visited the front. Fannin delayed, as usual, and had not arrived when the general got there. Pursuant to orders of Governor Smith, Houston during the latter part of December established his general headquarters at Washington. As has been seen, Houston was one of the Commissioners to treat with the Cherokees, and this business delayed his departure for the west. On January 6 Governor Smith, in an effort to bring the Matamoros expedition within control of regular channels, ordered Houston to establish field headquarters in the West, and the same day Houston issued an army order directing concentration at or near Copano.<sup>24</sup>

Houston with Colonel Hockley and staff left Washington on

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<sup>20</sup> Davenport id.

<sup>21</sup> Robertson, *Captain Amon B. King*, 29 Q. 147-150.

<sup>22</sup> Captain B. F. Bradford states they arrived at Nacodoches with 67 men on Dec. 8, 1835. *Kentucky Gazette*, Jan. 16, 1836; see same Feb. 20, 1836.

<sup>23</sup> Yoakum, *History of Texas*, II, 455.

<sup>24</sup> Williams, *Writings of Sam Houston*, I, 326.

<sup>25</sup> Yoakum, II, 460-470.

January 8 and arrived at Goliad on the 14th. Between Victoria and Goliad he met and conferred with Captain Dimmitt, who was on his way to the Lavaca. At Goliad he found Captain Wyatt in command of the fort. He also found expresses from Colonel Neill at Bexar and Governor Smith awaiting him. Neill describing a critical condition at that post, Houston dispatched Colonel Bowie with 20 men to Bexar, bearing orders to have the fortifications in the town demolished. He suggested to the governor that the artillery and garrison there should be removed and the Alamo blown up. He also sent a fast express to over take Captain Dimmitt, with orders to that dependable officer to raise a hundred men as quickly as possible and go to the relief of the Alamo. Needless to state, Dimmitt gathered what men he could, including a few Refugio colonists, and, it is said a band of Karankawa Indians, and went to the Alamo.<sup>25</sup> Captain Cooke, who later became one of Texas' most brilliant soldiers, tendered the services of his company of *Greys* for three months. The offer was accepted.<sup>26</sup> General Houston formed a high opinion of Cooke on this trip and at the first opportunity took him on his staff, which promotion was the beginning of a brilliant career.

Houston found about 209 men, of various organizations, still at Goliad. Reuben R. Brown states, "General Sam'l Houston joined us at this place and addicted himself to the most shameful dissipation, carousing and drinking continually with the soldiers . . . and was constantly engaged in private conversations with the volunteers, endeavouring to influence them to abandon the enterprise in which they were engaged and succeeded with our company, Capt. Lawrence resigning and accompanying Gen. Houston."<sup>27</sup>

William G. Cooke states that the General made a speech to the soldiers at Goliad. Says Cooke, "He ordered a general parade, for the purpose (as was stated) to reorganize the troops and explain to them the desire of the Provisional Government. He did so, and his address completely defeated the object of Col. Grant—Houston was accompanied by Cols. James Bowie, Hockley Nibbs, and several staff officers."<sup>28</sup> Part of Houston's Goliad speech, which seems to be different from the one delivered a few days later at Refugio, is to be found in William's Writings of Sam Houston.<sup>29</sup>

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<sup>25</sup> *Houston to Governor Smith*, January 17, 1836, Yoakum, II, 458-459. Williams, *Writings of Sam Houston*, I, 339-340, see also 342. See Gatschet for Karankawa Indians at the Alamo.

<sup>26</sup> *Houston to Cooke*, January 17, 1836, Yoakum, II, 458; Williams, *Writings of Sam Houston*, I, 342.

<sup>27</sup> Reuben R. Brown, *Account, Lamar Papers*, V, 367.

<sup>28</sup> William G. Cooke, *Account, Lamar Papers*, IV, pt. 1, 42; William L. Hunter, *Account, Lamar Papers*, V, 375.

<sup>29</sup> *op. cit.* I, 337-338.

The Raven, having won over most of the soldiers encamped at Goliad and got them in high spirits, ordered all excepting Wyatt's company to take up the line of march and meet him again at Refugio. On the 17th the general and his staff left Goliad for that rendezvous, the chief having some preliminary matters to attend to there.<sup>30</sup>

At Refugio, Colonel Power and the leading men became hosts to the distinguished visitors. The officers were billeted in the best of the humble homes, the general making his headquarters at Captain Westover's, whose home was the most commodious in town, but divided his time between Westover's and Power's little paling house.<sup>31</sup> The general sent for Johnson, Grant and Major Morris,<sup>32</sup> and ordered all outlying companies to come to Refugio for a parade. While these preliminaries were being taken care of, the general, accompanied by some of his staff, and Colonel Power and Captain Westover, rode to El Copano, to inspect the port facilities and fortifications and observe what supplies might be stored there. Lieutenant Thornton's company was ordered to Goliad to relieve Wyatt. The party spent one night at the port.<sup>33</sup> Houston was disappointed at what he found. Neither Fannin, nor the commissaries, had sent the required supplies there.<sup>34</sup> It would appear that while the general was at El Copano a few volunteers landed there.

One of the general's first acts on reaching Refugio was to order Lt. Thornton to take his company to Goliad and relieve Captain Wyatt's. Dr. Field, states, "Here let me throw in an anecdote of the General.—During his stay in Refugio he wished to send a small company of regular troops, over whom his authority was not disputed, back to Goliad, to keep up a force at that place. The soldiers objected to going, saying, they had been many months in the service, had not received a single cent, and had no shoes to their feet, also were without even soap to wash their clothes. Upon this the General took out his purse, and divided among them all the money he had, amounting to \$5.00 each, and refused to take any voucher for the same. I may add, as going to the same point of illustration, that he often told me, and others in my hearing, that he would give \$5,000 a year to support the war, if he could be excused from the command."<sup>35</sup>

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<sup>30</sup> Houston to Gov. Smith, Jan. 17, 1836, Yoakum, *History of Texas*, II, 458-459; Williams, *Writings of Sam Houston*, I, 339-340 *Kentucky Argus*, March 25, 1836.

<sup>31</sup> Philip Power, *Memoirs*.

<sup>32</sup> Houston to Morris, January 20, 1836, Yoakum, I, 459, Williams, *Writings* I, 343.

<sup>33</sup> Philip Power, *Memoirs*.

<sup>34</sup> Lamar Papers, IV pt. 1, 66.

<sup>35</sup> Houston to Gov. Smith, Jan. 30, 1836, Yoakum, II, 460-470; Williams, *Writings of Sam Houston*, I, 344-355.

<sup>36</sup> Field, *Three Years in Texas*, 26.



Houston's time while at Refugio was absorbed with many conferences, military and some political. In view of the recent events at San Felipe, wherein Governor Smith had been deposed, and the general's own personality was involved, the immediate political prospects of the general seemed to him none too bright. During this visit General Houston confided to Power and other leading men of Refugio that he was doubtful if he would be elected a delegate from his home municipality to the forthcoming convention at Old Washington. He wanted to be assured a seat in that important assembly. The Refugio leaders promised that General Houston would be elected as one of the delegates from this municipality.<sup>36</sup> As will be later seen, the Refugians almost failed to redeem this promise.

On the evening of the 20th Colonel Johnson came over to Refugio, but did not report his arrival to General Houston until the next day. Despairing of the attendance of the leaders of the expedition, Houston dictated to Colonel Hockley, his adjutant, an order to organize the troops as soon as the concentration was complete. Before he had published the order, Colonel Johnson reported. Johnson insisted on the priority and independency of his right of command, and stood flatly on the order of the Council, of January 14, which he exhibited to Houston, the latter not having previously seen it.<sup>37</sup> The general then had recourse to strategy.

The various companies, with the exception of one or two which remained away, had by now assembled, including Wyatt's, which had been relieved at Goliad. The scheduled parade was held, after which the old war-horse proceeded to address the men. Ehrenberg gives a colorful description of this high-light of General Houston's visit to Refugio. Says the loveable Dutchman—

"The various companies immediately assembled and surrounded the field-marshal, already renowned from the Niagara Falls to the Rio Grande. His patriotism, his democratic views, and his liberal actions had won for him the general love and confidence of all the Texans. Difficult were the problems that he had to solve. He was to quiet down the restless heads, concentrate their forces and to prepare them for the work that had to be done with the approach of spring. The whole plan, to create a completely independent state, now stood clear and in the brightest colors before the mind of every citizen of Texas. The Mexicans, instead of supporting us in our efforts to throw off the yoke of tyranny, rather joined the tyrant; and enormous

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<sup>36</sup> Philip Power, *Memoirs*. Hunter, *Account, Lamar Papers*, V, 375.

<sup>37</sup> *Houston to Gov. Smith*, Jan. 30, 1836, Yoakum, II, 460-470.

Williams, *Writings of Sam Houston*, I, 344-355.

preparations to destroy the settlers in Texas were being made by Santa Anna, eagerly supported by the priests. There was no other way open to us; either separate from Mexico and found a new republic, or else leave all our property in Texas and flee over the Sabine into the states.

"Comrades!" began the general, "it is with pleasure that I find myself in your midst again after long separation, and I notice with astonishment that the keenest anticipations that I had of the patriotic spirit of the army have been far surpassed in reality Comrades, we must seek to maintain such a patriotic fire and not consume it where it will be of no benefit. Soon, friends, I believe, soon will the enemy under Santa Anna raid our peaceful savannahs, soon will their bugles urge the soldiers to our destruction; but that mighty word—freedom—will inspire us, the thought on right and religion, on wife and child, will make us heroes. And Disregarding the superior number of the enemy I hope that our army will defeat his purpose on the foaming Guadalupe; and before the next summer has faded away, will the flag of Texas, the true symbol of freedom, wave in all the ports of the land. But to be victorious, citizens, it is necessary that we stand united and that we extend each other our hands in firm union. United we stand! Divided we fall!

"You aim to take Matamoros! I praise your courage! But I must candidly tell my friends that this plan does not please me; I see no advantage that can emanate from it; I see only an unnecessary sacrifice of the blood of Texans for a town that can have no value for us and that lies beyond the border of our territory. Shall it be done to injure the enemy? Let us await him and his forces, fatigued by long marches and privations, feel the work of our guns. Let us prove to him that a nation can do which united, though weak in numbers, will rise up en masse and boldly speak out, 'We want to be free!' Let us show him that where the nations rise up for the cause of justice the Almighty will carry the banner. But I see, comrades, by the expression of your features, the disapproval of my opinion; it is, however, my judgment; I thought to act only for the interest of the new fatherland; but my voice is only one, that of yours is—to Matamoros. Well, then, to Matamoros be it. But at least wait a short time until the troops from Georgia and Alabama land, and, united with them, what power of the enemy can withstand us?"

"The artillery-captain Pearson stepped forth and addressed himself to the army:

"Comrades! As much as I respect General Houston, I cannot approve his suggestion. We have already lain here idle

too long and the consequence is that the larger part of the army has left us. Too long we have waited in vain for munitions. In vain we looked for reinforcements from day to day that the government had promised. It would be for nothing that we would stay here longer, hesitating, idle, enduring the hardships of a campaign. If we shall endure, let us be acting, and I herewith call on all who are in favor of an immediate departure for Matamoras! Colonels Johnson and Grant and Major Morris are in favor of the expedition and we will participate in it! Once more, let us not hesitate longer; and, all who endorse my position, be ready at noon—to leave for Matamoras!”

“These two speeches, coming one after the other, called forth various feelings, and as the army had voted decidedly for the storming of Matamoras, it was only Houston’s eloquence and popularity that induced the larger part of the army to wait and to begin the march in conjunction with Fannin’s reinforcements.”<sup>38</sup>

Ehrenberg states that sometime later the old chief made a second address to the troops, which he records in full. The text of the second speech was the failure of the Mexicans, both in Texas and in Mexico, to support the Texians, and that help from that source was a forlorn hope and that Texians must stand on their own feet. He also appealed to the pride of the white race and made an impassioned plea for complete independence. He directed attention of the army to the forthcoming election for delegates to the Washington convention and enjoined the soldiers to vote for those who favored independence. He held out hopes of reinforcements and supplies which “were then on the sea.” The second address evoked even more applause and enthusiasm than the first had done.<sup>39</sup>

Every account agrees that the eloquence and persuasive powers of General Houston “broke up” the Matamoras expedition except for a handful of hard-heads and die-hards, including Johnson, Grant, Morris and Pearson.<sup>40</sup> According to Ehrenberg, a detachment of 70 men, including the entire artillery company, left for San Patricio, to be just that closer to Matamoras.<sup>41</sup> William Langenheim and Joseph Benjamin Dale were two Refugio colonists, who went on to San Patricio.<sup>42</sup> The two companies of *Greys* crossed the river and camped two miles from Refugio not far from Esteban Lopez ranch.

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<sup>38</sup> Bartholomae, *Ehrenberg*, 112-114.

<sup>39</sup> Bartholomae, *Ehrenberg*, 114-117. This is the same speech which Dr. Williams states was delivered at Goliad, but which Ehrenberg says was made at Refugio. See Williams, *Writings of Sam Houston*, I, 337-338.

<sup>40</sup> *Johnson to the Council*, Jan. 30, 1836. Binkley, *Correspondence*, I, 366-368. Johnson, *Texas and Texans*, I, 374. Smith, *James W. Fannin, Jr.*, 23 Q 181. Baker, *Texas Scrap Book*, 81.

<sup>41</sup> Bartholomae, *Ehrenberg*, 117.

<sup>42</sup> Philip Power, *Memoirs*.

Davenport, *The Men of Goliad*, 43 Q. 28.

The remainder of the army was quartered with the citizens of Refugio. The troops amused themselves while waiting for Fannin by catching turtles "and breaking the wild mustangs that ran about on the prairies between here [Refugio] and the bay."<sup>43</sup>

General Houston and staff left Refugio on January 21 or 22 and returned to Washington by the 30th. Captains Lawrence and Wigginton went with them. Some of the men belonging to their companies were discharged and accompanied them.<sup>44</sup>

Captain Burr H. Duval and his company of *Kentucky Riflemen* arrived at Refugio during the latter days of January. This notable company was organized at Bardstown, Kentucky, in November, 1835, and landed at Quintana on December 28. At that time it numbered but 25 men, among whom were John Crittenden Duval, brother to the Captain, and J. Q. Merrifield, fiance of Laura Duval, the Duval brothers' sister. On December 30, Captain Duval reported the arrival to the Provisional government and requested that his company be mustered in as mounted rangers. The services of this organization were accepted, and about the middle of January it was transported by the Texian vessel *Invincible* and landed on the southwest end of St. Joseph's Island. Evidently the *Invincible* was chary of attempting to cross the bar and returned to port to send a vessel of lighter draught. After remaining on the island for about a week, investigating the remains of Lafitte's fort, and "very pleasantly hunting and fishing, and gathering oysters, which were abundant in the bay," a smaller vessel appeared and took the volunteers to El Copano, where they were safely landed.<sup>45</sup>

John Crittenden Duval (who escaped the massacre at Goliad, and in after years became a frequent visitor to Refugio county where he visited in the home of Judge Charles A. Russell, at St. Mary's)<sup>46</sup> describes the conditions as he saw them when his company landed at the old port:

"In a few hours we reached the port, and landing, we pitched our tents on the bluff just back of it. Here we found a company of Texas Rangers [Lieutenant Turner] who had been on frontier service for six months, during all of which time they had not seen a morsel of bread. They had subsisted solely upon beef

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<sup>43</sup> Bartholomae, *Ehrenberg*, 117-118.

<sup>44</sup> Davenport, *The Men of Goliad*, 43 Q. 17.

<sup>45</sup> Duval, *Early Times in Texas*, 1-24.

Duval to Grayson, Dec. 30, 1835, Binkley, *Correspondence*, I, 257, 430.

*Proceedings of General Council*, 179, 220, G. L. I, 727, 748.

Davenport, *The Men of Goliad*, 43 Q. 10.

Huson, *El Copano*, 10, 25.

<sup>46</sup> Sallie Russell Burmeister, *Recollections*.

Dobie, *John C. Duval*, 23-25.

Corners, *John Crittenden Duval*, I Q. 47-53.



and the game they had killed. We gave them a part of the 'hard tack' we had brought with us, and though worm-eaten and musty, they devoured it with as keen a relish as if it had been the greatest delicacy . . .

"From Copano (which consisted mainly of a warehouse and a large tank of water) we took up the line of march for Refugio, distant about twenty miles. It is situated on a little stream called Mission River, near the bank of which we pitched our tents, just before sunset. Refugio at that time contained about two dozen adobe huts (inhabited by a mixed population of Irish and Mexicans), and an old, dilapidated church, built, I was told, the same year that Philadelphia was founded . . . The old church, where King and his men defended themselves for some time against a host of Mexicans, when I last saw it, still showed evidence of the severity of the conflict in its battered walls and its roof perforated with shot from the Mexican artillery." Duval relates several amusing incidents of his sojourn at Refugio on this occasion in his *Early Times in Texas*, to which the reader is referred.<sup>47</sup>

On February 1 the citizens of Refugio municipality opened their polls to elect delegates to the convention scheduled to be holden at Washington on March 1. The municipality had been allowed two delegates, and the citizens had already determined that they should be Colonel James Power and General Sam Houston. Shortly after the Polls had opened, the soldiers from the several camps presented themselves to vote. They had caucused, it would seem, and had candidates from the army. It was apparent to the citizens that the soldiers would out vote the settlers and thus deprive the municipality of representation by its own people. The election judges thereupon refused to permit the soldiers to vote, on the ground that they were not citizens of the municipality. The troops evidently expected this refusal. Without disorder, they tendered themselves to vote, and when refused, went back to their camps. Thereafter, they held an election of their own at the mission and elected David Thomas and Edward Conrad, both soldiers and neither ever a citizen of Refugio municipality, to represent the municipality in the convention.<sup>48</sup> After holding their election, they prepared a memorial, which all of them signed, to be filed with the convention.<sup>49</sup> At Bexar the same thing happened. The garrison at the Alamo offered themselves to vote in

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<sup>47</sup> Duval, *Early Times in Texas*, 24-26.

<sup>48</sup> Philip Power, *Memoirs*.

<sup>49</sup> *Memorial of Volunteers at Refugio*, Binklev, *Correspondence*, I, 429-430 Archives State Library.

the citizens election and, being refused held their own elction, at which they elected Samuel A. Maverick and Jesse B. Badgett.<sup>50</sup>

On the same day at San Patricio, when the soldiers presented themselves, James McGloin had them apply for headrights in the colony and admitted them as settlers. Captain Pearson and Benjamin Odlum acted as judges; and Festus Doyle, afterwards a citizen of Refugio county, acted as secretary. Everything went harmoniously until it was discovered that the soldiers were voting for candidates different from those of the original citizens, whereupon McGloin ordered that no more soldier votes should be received. The votes of John Hart and Julian de la Garza were rejected because it was claimed they belonged to Power's colony. John White Bower and John McMullen were declared elected. Thirty-four citizens of San Patricio municipality filed a protest that the election of McMullen was illegal.<sup>51</sup> Bower, as has been stated, had moved to Refugio prior to the Revolution, but his election was not contested.

General Houston and Colonel Power were, of course, unanimously elected by the citizens as their delegates to the convention.

On the same day the polls were opened at Refugio for a two days' election of officers for the municipal militia. Captain Westover appears to have sponsored the election. Only one of the commissioners to organize the militia was available, he being John Coughlin, who appointed Elkanah Brush and Isaac Robinson to be the judges of the election. During the 1st and 2d of February a total of 32 militiamen voted. For captain, Hugh Fraser received 17 votes and Isaac Robinson 15 votes. For first lieutenant, John Keating received 21 votes and John Pollan 10 votes. Twenty-six votes were cast for Walter Lambert for second lieutenant, he having no opposition. On February 4, Captain Westover certified to Governor Smith the result of this election: Hugh Fraser, captain; John Keating, first lieutenant; and Walter Lambert, second lieutenant.<sup>52</sup>

An official roster of Fraser's company appears to be unavailable. It might be broadly stated that most of the able-bodied men of the colony served at one time or another in this organization. It appears fairly definite that the following men were members of the militia company:<sup>53</sup>

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<sup>50</sup> *Memorial of Volunteers at Bexar*, Binkley, *Correspondence*, I, 393-395.

<sup>51</sup> *Written to Robinson*, February 2, 1836, Binkley, *Correspondence*, I, 385.

<sup>52</sup> *Memorial of Citizens of San Patricio*, Binkley, *Correspondence*, I, 376-377.

<sup>53</sup> *Certificate of John Coughlin*, commissioner, and letter of transmittal, *Ira Westover to Governor Smith*, Feb. 4, 1836. Army Papers, State Archives. See also, Binkley, *Correspondence*, I, 393.

<sup>54</sup> Philip Power, *Memoirs*; See also Affidavits of Michael O'Donnell, Walter Lambert, Edward Perry and others in August and September, 1858, in connection with claims for land certificates on behalf of many of the above men, or their heirs. Miscellaneous Papers in Office of District Clerk, R. C.

Walter Lambert, Thomas O'Connor, John White Bower, John James, Michael O'Donnell, Martin Toole, Morgan O'Brien, Robert M. Carlisle, Victor Loupé, John Coughlin, Edmond St. John, James St. John, William St. John, Andrew Devereaux, George McKnight, Antonio Sayle, John B. Sydick, Nicholas Fagan, John Fagan, Edward McDonough, Edward Fitzgerald, Peter Hynes, John Keating, Isaac Robinson, John Pollan, Elkanah Brush, Francis Dietrich, Edward Perry, Thomas Quirk, James Power, Charles Shingle, Charles Malone.\*

Captain Westover, as has been stated, resigned his seat in the Council in order to go on active military duty. He left the Council as a captain without a company to command, and had to recruit for himself. He accordingly repaired to San Patricio, where he had lived formerly, and by January 7, enlisted about 14 men.<sup>54</sup> He then came to Refugio and gained a few more recruits. After they had been discharged, the Refugio men in Dimmitt's garrison returned home and Westover, who was popular with them, filled up his company with these tried and trusty veterans and had it about ready for muster when Fannin arrived.

The arrival of Colonel Fannin and the Georgia Battalion had been expected daily. Several days before the election Ehrenberg and four comrades were detailed to go to El Copano to meet Fannin when he should arrive. Ehrenberg, in his account, gives an exuberant picture of his ride to El Copano, and a description of the country and the bay, as it appeared to him. His detail took up headquarters in the old custom house and remained there seven days, before they saw, on February 1, two schooners sailing in to the bay. One of the *Greys* was immediately dispatched to Refugio with the news.<sup>55</sup>

During December, 1835, a number of volunteer companies from the United States had landed at the twin ports of Velasco and Quintana, at the mouth of the Brazos. Some of these companies had come to Refugio; some had gone elsewhere. However, on January 24, 1836, there were still at Velasco the *Georgia Battalion*, Ticknor's company of *Alabama Greys*, and Guerra's artillery company. The last mentioned unit, commanded by Captain Manuel Guerra, originally had been a part of the Mexican army, but had gone over to Mexico in the Tampico expedition, and that general on abandoning the country had thoughtfully brought this company to Velasco.

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\* Paulino de la Garza and Jose Ma. de la Garza may have been members.

<sup>54</sup> Davenport, *The Men of Goliad*, 43 Q. 13.

O Boyle, *Reminiscences*, 13 Q. 285.

<sup>55</sup> Bartholomae, *Ehrenberg*, 118-122.

The *Georgia Battalion*, as it existed prior to arriving at Refugio, was composed of the companies of Captains Uriah J. Bullock, James C. Winn and William A. O. Wadsworth. The Bullock and Winn companies had landed at Velasco on December 20, 1835, as one large company recruited in Georgia, under Captain William Ward.<sup>56</sup> The arms were lent by the State of Georgia.<sup>57</sup> Before leaving Georgia, they had been presented with a Lone Star Flag (said to have been the first) made by Joanna Troutman.<sup>58</sup> Wadsworth's company also had been recruited in Georgia, but had been augmented by a relatively large number of recruits from other states before it left New Orleans. It landed in Texas about the middle of December.<sup>59</sup> The two Georgia organizations, having a common background and single purpose, having met up with one another at Velasco, speedily decided to organize a battalion, which appears to have been done between December 21 and 23. Captain Ward was elected major and John Sowers Brooks, adjutant, with rank of lieutenant.<sup>60</sup>

Colonel Fannin was himself a Georgian, his home (prior to "abandoning the gullies of Georgia" for the virgin soil of Texas, as he once expressed it), having been at Columbus, where Wadsworth's company had been organized. Like most Georgians, he was proud of his native state and its people, which predilection was evident when he greeted Ward's company on its arrival at Velasco. This manifestation warmed the affections of the volunteers; and after the battalion had been organized it adopted resolutions of felicitation to Colonel Fannin (December 23), to which he replied on the 25th with fascinating graciousness,<sup>61</sup> thereby knitting an even stronger bond between the colonel and the Georgians.

Upon organization of the battalion, Major Ward reported at San Felipe, on Decemebr 31, and his command was accepted into Texian service, and commissions issued to the officers elected therefor.<sup>62</sup>

Isaac Ticknor "emigrated" to Texas, in December, 1835, for the purpose of offering his services to the Provisional Government; meanwhile Edward Hanrick recruited the company, known as the *Alabama Greys*, at Montgomery, Alabama. Ticknor returned to Alabama and

<sup>56</sup> Davenport, *The Men of Goliad*, 43 Q. 15.

<sup>57</sup> Act August 6, 1856, G. L. IV. 444.

<sup>58</sup> Cox, *The Romantic Flags of Texas*, 183-199.

Butler, *Historical Record of Macon*, 131-137, quoted Huson, *Reporting Texas*, 1-4.

Knight, *Georgia's Landmarks, Memorials, etc.* I. 34-38, 641-642, 645, 826, 977, 990; II. 115, 695.

<sup>59</sup> White, *Historical Collections of Georgia*, 484, et seq.

<sup>60</sup> Davenport, *The Men of Goliad*, 43 Q. 15.

Roller, *Captain John Sowers Brooks*, 9 Q. 174.

<sup>61</sup> Brown, *History of Texas*, I. 472-475.

<sup>62</sup> *Proceedings of General Council*, 171, G. L. I. 719.



brought to Texas this company of volunteers. It landed at Velasco prior to January 21.<sup>63</sup> It or Guerra's company may have been incorporated with the *Georgia Battalion*, prior to leaving Velasco, as Brooks speaks of the battalion as containing four companies.<sup>64</sup>

Colonel Fannin went to San Felipe, where he conferred with the General Council and Colonel Johnson. On January 7 he received the sweeping grant of power as Agent of the Provisional Government of Texas, hereinbefore mentioned. On the 8th he issued his famous call to arms and order to rendezvous at Copano.<sup>65</sup> He also issued an order (January 8) to John R. Foster and Edwin C. Pettus, appointing them sub-agents and authorizing them to press higher or purchase necessary carts and teams and have them at Copano by January 25. Fannin enjoins: "Dispatch is important — and punctuality and the strictest obedience to orders is expected from you. It is the first duty of a soldier and officer."<sup>66</sup>

The units at Velasco were ordered to put themselves in readiness to embark and take with them two 6-pounders and the two 2-pounders which General Mexia had left there. Fannin, however, delayed embarkation, awaiting the arrival of Shackelford's *Red Rovers*, then supposed to be on the seas. He got ready to sail on the 21st, but still put off sailing hoping for Shackelford. On the 22d he issued orders to embark, but his convoy did not actually leave port until the 24th, and then without the *Red Rovers*.<sup>67</sup> In the meantime, on the 15th Santa Anna had ordered General Jose Urrea, one of his most efficient generals, to march to and take possession of Fort Lipantitlan on the Nueces, and there was no undue delay on part of that general in preparing for the campaign.<sup>68</sup>

The *Georgia Battalion*, *Alabama Greys* and Guerra's artillery company left Velasco in the schooners, *Flora*, Captain John Appleman, and *Columbus*, Captain N. Dalton. Whether the schooner *Laura*, Pilot John Brown, was in the convoy is obscure. The convoy arrived off Aransas Pass on the 29th, and Fannin expected to tie up at El Copano the next day. He stated that he had sent forward officers to procure and have in readiness carts and teams to provide transportation. The vessels were to have been convoyed by the Texian

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<sup>63</sup> Davenport, *The Men of Goliad*, 43 Q. 15.

*Texas Reports*, II, 270.

<sup>64</sup> Roller, *Captain John Sowers Brooks*, 9 Q. 187.

<sup>65</sup> Brown, *History of Texas*, I, 476.

<sup>66</sup> *Comptroller Military Records*, Archives, State Library.

<sup>67</sup> *Fannin to Robinson*, Jan. 21, 1836, Binkley, *Correspondence*, I, 321.

Smith, *James W. Fannin, Jr.*, 23 Q. 182.

Roller, *Captain John Sowers Brooks*, 9 Q. 187.

*Lamar Papers*, I, 302.

<sup>68</sup> Urrea, *Diario*, 6.

Smith, *James W. Fannin, Jr.*, 23 Q. 180.

man-of-war *Liberty*, Captain William S. Brown, which was also to bring munitions and provisions. The *Liberty*, however, did not arrive from New Orleans until the 27th, and Fannin expected her off the pass on the 29th. Fannin was held at the bar because of unfavorable winds, and did not get to El Copano until February 1, being piloted over the bar by the schooner *Laura*.<sup>69</sup>

Ehrenberg states that on the night of Fannin's arrival at El Copano a courier came there from Refugio, with reminder from the troops at the Mission that the day was "election day" and that as only two hours remained for holding the election, the work proceeded rapidly, and by twelve o'clock candidates for independence were elected by an overwhelming majority. He does not say who the candidates were. Ehrenberg makes the positive statement that the *Red Rovers* landed from the same convoy,<sup>70</sup> but his statement is against the preponderance of evidence as given by Dr. Barnard, John J. Linn, and others.

The 1st to the 4th, inclusive, were spent at El Copano unloading cargoes and transporting them up to the Mission, Fannin remaining there during such period.<sup>71</sup> Difficulty was encountered in getting carts and teams, and it was not until the 5th Fannin himself was able to leave for the Mission. In the meantime, most of the troops had marched to Refugio and established camp. On the 4th Fannin received his first communication from Johnson and Grant, who were at San Patricio.<sup>72</sup>

After the cargoes had been unloaded the convoy set sail. Ehrenberg describes the leaving thusly: "The frigates turned their prows seaward. While the little cannon of Fannin's people fired them a farewell, the star spangled blue field, the flag of Uncle Sam, waved wishes of good luck from the slender mast head down to the single star that beamed from the light blue flag that led the *Georgia Battalion* to the Mission."<sup>73</sup> What Ehrenberg took for the Star Spangled Banner was undoubtedly the new naval flag of Texas, which had been raised for the first time on the 28th at Velasco. The naval flag had red and white stripes with a blue union with a single five-pointed star. Mrs. Cox remarks, "No doubt the resemblance to the Stars and

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<sup>69</sup> Smith, *James W. Fannin, Jr.*, 23 Q. 182, 184-186.

Roller, *Captain John Sowers Brooks*, 9 Q. 187.

*Fannin to Robinson*, Jan. 21, 1836, Binkley, *Correspondence*, I, 320-322.

*Wharton to Smith*, Jan. 26, 1836, Binkley, *Correspondence*, I, 341.

*Fannin to Robinson*, Jan. 28, 1836, *Lamar Papers*, I, 309-310.

<sup>70</sup> Bartholomae, *Ehrenberg*, 123.

<sup>71</sup> *Lamar Papers*, I, 311, 313-314, 317.

Smith, *James W. Fannin, Jr.*, 23 Q. 183, 201.

<sup>72</sup> *Fannin to Robinson*, Feb. 4, 1836, *Lamar Papers*, I, 315-316.

<sup>73</sup> Bartholomae, *Ehrenberg*, 123-124.

Stripes of the United States was sufficient camouflage to keep many enemy ships at a respectful distance."<sup>74</sup>

Before bidding the convoy adieu, it might not be amiss to call attention to the fact that the *Flora*, which brought Fannin nearer to his doom, was the same ship that carried the victorious Sam Houston to New Orleans after the Battle of San Jacinto.<sup>75</sup> The *Flora* was wrecked and went down off the mouth of the Brazos on November 16, 1836.<sup>76</sup>

It might be noted that the Mexican revenue cutter *Santa Pie* was lying abandoned in the port when Colonel Fannin arrived. Fannin appears to have delivered the anchor and part of the rigging of this vessel to the schooner *Columbus*<sup>77</sup> but thereafter rigged out and used the wrecked revenue cutter.<sup>78</sup>

Colonel Fannin arrived at Refugio on February 5 and established headquarters at the Mission. The officers of the various units encamped in and around Refugio and San Patricio were called in for conference, and all of them who intended to remain in this section (with the exception of Johnson and Grant's die-hards) agreed that a regiment of two battalions should be organized. Captain John M. Allen had been assigned to special duty, and Captain Peyton S. Wyatt had been furloughed, and both had gone on. Captain Bullock had been left at Velasco ill of the measles. Some of the officers who had early arrived at Refugio desired to be transferred to other posts of duty. Some of their men wanted to go with their officers, while others preferred to stay on the gulf frontier. In this condition of affairs it was found expedient to reorganize many of the companies, before undertaking the organization of the regiment.<sup>79</sup>

The reorganization of the line companies, as described by Harbert Davenport, outstanding authority on the history of Fannin's command, was as follows: "As reorganized by Colonel Fannin, what remained of Captain Lawrence's '*Mustang Company*' was consolidated with Captain Duval's company, called, henceforth, '*Duval's Mustangs*.' The remnant of Captain Wigginton's company, under Lieutenant Edward Fuller, was absorbed by Captain Wyatt's company, with First Lieutenant Benjamin F. Bradford, a Kentuckian, in command. Captain Cooke resigned, and was succeeded by Samuel O. Pettus, another Virginian, and the company was enlarged by being

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<sup>74</sup> Cox, *Romantic Flags of Texas*, 234-238.

<sup>75</sup> James "The Raven" 257; Williams *Writings* I, 427-429.

<sup>76</sup> *Cincinnati (O) Whig*, December 15, 1836.

<sup>77</sup> *Receipts, Lamar Papers*, V, 61.

<sup>79</sup> Brown, *History of Texas*, I, 342.

consolidated with Captain Grace's small company; Captain Grace, from Memphis, Tennessee, being chosen First Lieutenant in Captain Pettus' former place."<sup>80</sup>

Captain Anon B. King's Kentucky company, Ticknor's company, and the companies constituting the original Georgia Battalion, as before described, appear to have remained without material alteration. So much for the "volunteer" companies.

Of the "regular" army units at Refugio, Davenport says that Captain Westover's company, as reorganized or fully recruited, consisted of

"(1) A small company of regular infantry enlisted by Captain John M. Allen from among the survivors of Mexia's Tampico men, which was marched to Refugio under Lieutenant Francis W. Thornton, about January 1, 1836, and returned to Goliad, by order of General Houston, on January 19. It then consisted, all told, of twenty-nine men.

"(2) The nucleus (say 14 men) of a company of regular artillery, recruited in the Irish Colonies by Captain Ira J. Westover, about January 7, 1836.

"(3) Eight or ten regulars recruited by Lieutenant B. F. Saunders at Matagorda during January and sent forward to Goliad, and assigned to Captain Westover's command."<sup>81</sup>

Captain Chenoweth's "regular" company, which had been specially recruited for the purpose of garrisoning Copano, where they arrived about January 20, did not choose to remain at Refugio. They went back to Bexar, where they had been recruited. Some of them went to the Alamo and joined the garrison there, and were killed there, while others stayed with their captain and saw service elsewhere.<sup>82</sup>

"Until after his arrival at Goliad, Colonel Fannin's artillery was served by Captain Luis Guerra's company of Mexican artillerymen and the Texan regular artillery from Captain Westover's command. Upon the arrival of Santa Anna's army at San Antonio, the men of Captain Guerra's company were, at their own request, discharged, and were replaced by a small company of volunteer artillery, recruited from other companies of colonel Fannin's command. They were commanded by Captain Stephen D. Hurst, from Philadelphia; Benjamin H. Holland, engineer and sailor from New Orleans, and four Polish engineers commanded guns."<sup>83</sup>

<sup>80</sup> Davenport, *The Men of Goliad*, 43 Q. 14-15.

<sup>81</sup> Davenport, *The Men of Goliad*, 43 Q. 13. Binkley, *Correspondence*, I, 405-406. Spragues detachment was referred to as the Pennsylvania volunteers, although Binkley suggests that they appeared to be from various states, citing 16 Q. 36, 17 Q. 266-268.

<sup>82</sup> Davenport, *The Men of Goliad*, 43 Q. 13-14.

<sup>83</sup> Davenport, *The Men of Goliad*, 43 Q. 17.



In the first dispatch which Fannin received from Colonel Johnson after the landing at El Copano, Johnson had reported the capture by his party of Captain Rodriguez and 26 men, on January 30.<sup>84</sup> The Texans paroled Rodriguez, who broke it and escaped on the 5th.<sup>85</sup> On that day, anticipating trouble, and Grant, as usual, being away with most of the men, Major Morris sent an express to Fannin, requesting reinforcements. The two companies of New Orleans Greys, under Captain Cooke, made a one-day march to San Patricio, 48 miles distant.<sup>86</sup> The Greys were instructed to bring back the artillery there with them.

On February 6, Fannin received a fast express from Captain Placido Benavides, at San Patricio, advising him that 1,000 Mexican troops were concentrated at Matamoros. On the morning of the 7th Fannin received a lengthy letter from Major Morris, confirming such report.<sup>87</sup> In fact, Urrea's army had arrived at Matamoros on January 31 and was consolidating it with the presidial troops at that place. Incidentally, Urrea crossed the Rio Grande on February 17.<sup>88</sup>

An election for regimental officers of the new regiment was held at Refugio on February 7. Fannin was elected colonel, and William Ward, of the *Georgia Battalion*, was elected lieutenant-colonel, they receiving "nearly a unanimous vote."<sup>89</sup>

Fannin wrote the Acting Governor, on the 7th, reporting some of the matters just related. In this letter he remarks, "that among the rise of 400 men at, and near this post, I doubt if twenty-five citizens of Texas can be mustered in the ranks — nay, I am informed, whilst writing the above, that there is not half that number: — Does not this fact, bespeak an indifference, and criminal apathy, truly alarming?" He goes on to state that the citizens of Texas should hear "the just complaints and taunting remarks [of Fannin's troops] in regard to the absence of the old settlers and owners of the soil" from the ranks.<sup>90</sup> This letter with the post-script of the 8th was carried to San Felipe by Captain James Tarlton, late of the *Louisville Volunteers*, who had come to Refugio with Captains B. C. Wallace and T. H. McIntire on the special mission of arousing the enthusiasm of the troops in favor of the Matamoros expedition.<sup>91</sup> These officers

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<sup>84</sup> Fannin to Robinson, February 4, 1836, *Lamar Papers*, I, 315-316.

<sup>85</sup> Morris to Fannin, Binkley, *Correspondence*, I, 399-400 (see also same, pages 411-412).

<sup>86</sup> Bartholomae, *Ehrenberg*, 124-125.

Cooke, *Account, Lamar Papers*, IV, pt. 1, 43.

<sup>87</sup> Morris to Fannin, Feb. 6, 1836, Binkley, *Correspondence*, I, 399-400

<sup>88</sup> Urrea, *Diario*, 6; Castaneda, *Mexican Side Texas Revolution*, 211

<sup>89</sup> Fannin to Robinson, Feb. 8, 1836, Binkley, *Correspondence*, I, 405.

Footnote, *Texas and the Texans*, II, 205

<sup>90</sup> Fannin to Robinson, Feb. 7, 1836, Binkley, *Correspondence*, I, 402-403

<sup>91</sup> Robinson to Tarlton, et al., Jan. 30, 1836, Binkley, *Correspondence*, I, 365-366; See *Lamar Papers*, I, 318.

had been sent by Robinson at the suggestion of Colonel Johnson.<sup>92</sup> On the 14th Fannin again wrote Robinson, "In my last . . . I informed you, that I could find but some half dozen citizens of Texas in my ranks, and I regret to say that it is yet the case."<sup>93</sup>

Fannin's criticism of the colonists, insofar as those of Refugio are concerned, is not founded on fact. At the moment of writing the letter referred to, he had serving in his own command, Westover's company, the bulk of which was composed of Irish colonists, to the number of 22 to 25; and also had ready to serve him, Fraser's Refugio militia company, which at that time must have numbered far more than 25. Besides these, there were several Irish colonists, who were then enlisted in the *New Orleans Greys* and other companies. There were some others at the Alamo and at other distant points.

Also at that time he had Edmund Quirk and Antoine Sayle, Refugio gunsmiths, engaged in putting the guns of his command in much-needed repair, and any number of citizens were furnishing, gathering, and hauling supplies and provisions for his troops. In fact, most of the hauling of Fannin's freight from El Copano to Refugio had been hauled by the colonists either *gratis* or at cost. Corn and foodstuffs were supplied by Victor Loupé, Jose Miguel Aldrete, Nicholas Fagan, John Fagan, Edward Perry, Peter Hynes, Caleb Bennett, Edward McDonough, Francisco Flores, Ygnacio Castro and Esteban Lopez, among others.<sup>94</sup> He was also furnished large quantities of corn by John J. Linn.<sup>95</sup> Some of the supplies were paid for by order on the government, and some were donated outright. Ehrenberg relates, "An especially noble-spirited example was given . . . by a noble-minded individual of this nation (Irish) Mr. Fagan placed his whole, but not very small crop, and several hundred head of cattle at Fannin's disposition without any prospect of ever receiving any pay for them, as it was impossible only for a Texan to hope that we would be victorious."<sup>96</sup> John Pollan, Edward Perry, and the Fagans were among those who hauled for Fannin's regiment. Victor Loupé was an army contractor to Fannin until the middle of March. Henry Foley, John Dunn and Martin Power, Refugio merchants, furnished large quantities of dry goods and clothing.<sup>97</sup>

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<sup>92</sup> *Advisory Committee to Robinson*, Jan. 29, 1836, Binkley, *Correspondence*, I, 402-403.

<sup>93</sup> *Fannin to Robinson*, Feb. 14, 1836, Foote, II, 207.

<sup>94</sup> Philip Power, *Memoirs*.

<sup>95</sup> Linn, *Reminiscences of Fifty Years in Texas*, 125.

<sup>96</sup> Bartholomae, *Ehrenberg*, 125.

<sup>97</sup> Philip Power, *Memoirs*.

On February 9, Fannin received an express from Captain Cooke, then at San Patricio, with a report that Morris' call for reinforcements had been a false alarm; that Colonel Grant had come into San Patricio after a long absence; but that the next day all of Johnson and Grant's force had pulled out for the Rio Grande, leaving Cooke with the sack to hold. A few hours later a Mexican officer in full uniform came into San Patricio with a passport and letters from Johnson, Grant, and Morris to Cooke; Grant's letter stated that he had received through this Mexican officer an invitation from the general of the Tamaulipas insurrectionists to unite with his forces. Morris' letter stated that he no longer intended to serve the government of Texas, that he had received appointment to command a regiment in the Federal service of Mexico. Cooke forwarded these letters with his report.<sup>98</sup> Fannin immediately dispatched an express to Cooke with orders for the *Greys* to return and bring back all artillery, ammunition, and supplies left at San Patricio.<sup>99</sup>

The Refugio militia, under Captain Fraser, was on the 11th ordered by Fannin to go out and "take a drove of horses belonging to our enemies." The order was executed with success. Fraser's men a day or two later brought back to Refugio 60 horses, of which 30 were fit for service. By the time the militia returned Fannin had left for Goliad.<sup>100</sup>

Before moving to Goliad, an election of major for the *Georgia Battalion*, consisting of four companies, was held at Mission of Refugio, on February 11. Two candidates were nominated, Warren J. Mitchell and Joseph M. Chadwick. The election was close, Mitchell receiving 81 votes and Chadwick 73.<sup>101</sup> The election of major for the second or *Lafayette Battalion* was postponed to be held at Goliad, because of the absence of the two *Grey* companies, and the possible arrival of the now belated *Red Rovers*.

Fannin's command, less the outstanding details, moved out of Refugio for Goliad on February 12 or 13, and were in Goliad on the 14th.<sup>102</sup> A yoke of oxen belonging to Isaac Robinson was pressed into service to haul a piece of artillery to Goliad on February 16. It would appear that Captain King's company was left at Refugio for

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<sup>98</sup> Cooke, *Account*, *Lamar Papers* IV, pt. 1, 43.

*Johnson to Fannin*, Feb. 9, 1836, *Lamar Papers*, I, 321-322.

*Johnson to Robinson*, Feb. 9, 1836, *Lamar Papers*, I, 322-323.

<sup>99</sup> Cooke, *Account*, *Lamar Papers*, IV, pt. 1, 43.

<sup>100</sup> *Fannin to Robinson*, Feb. 14, 1836, *Lamar Papers*, I, 331-332.

Footnote, *Texas and the Texans*, II, 206-210.

<sup>101</sup> *Return of Election*, Feb. 11, 1836, *Lamar Papers*, I, 323-324.

Davenport, *The Men of Goliad*, 43 Q. 16.

<sup>102</sup> Receipt of Fannin to Francisco Ramon, dated, Refugio, Feb. 12, 1836, shows he was still in Refugio on that date. *Comptroller's Military Service Records*, Archives, State Library, filed under name of J. J. Linn.

outpost duty and to keep open the route between Goliad and El Copano.

The organization of the regiment was completed at Goliad by the formation of the second battalion, which was named the *Lafayette Battalion*. The units comprising this battalion were Westover's regulars, recruited in the main of Irish colonists; Captain Burr H. Duval's *Mustangs*; Captain David N. Burke's *Mobile Greys* (New Orleans Greys), commanded by First Lieutenant J. B. McManomy; Captain Samuel O. Pettus' *San Antonio Greys* (formerly New Orleans Greys), commanded by First Lieutenant John C. Grace; Captain Benjamin F. Bradford's (formerly Captain Peyton S. Wyatt's) *Alabama Greys*; Captain Amon B. King's *Kentucky Volunteers*; and, after its arrival, Captain Jack Shackelford's *Red Rovers*.

Benjamin C. Wallace was elected major of the Lafayette Battalion.

The regimental artillery was supplied by Captain Luis Guerra's *Tampico Company*; Captain Benjamin H. Holland's artillery company; Captain Stephen D. Hurst's artillery company; and Captain Schrusnecki's Polish artillery company.

Captain Hugh McDonald Fraser's Refugio Militia Company acted as regimental scouts and spies. John White Bower was the director of espionage.<sup>103</sup>

As finally organized the regimental staff was constituted as follows:

James Walker Fannin, Jr., colonel; William Ward, lieutenant-colonel; John M. Chadwick, captain adjutant; John Sowers Brooks, captain assistant adjutant and aide; Nathaniel R. Brister, captain, assistant adjutant and aide; Joseph H. Barnard, regimental surgeon; Joseph E. Field, regimental surgeon; Ferguson, assistant surgeon; . . . Hale, assistant surgeon; Gideon Rose, regimental sergeant major; David Holt, regimental quartermaster; Lewis Ayers, assistant quartermaster; Valentine Bennet, commissar; Warren Mitchell, major, Georgia Battalion; Benjamin C. Wallace, major, Lafayette Battalion.

Victor Loupé had a special contract with Fannin to supply beef. From February 6 to March 1 he furnished 206 head at \$10 each, and 6 yoke of oxen at \$60 each and up to March 15 furnished more than 400 beeves. Patterson says, "I verily believe that if it were not for the exertions of Loupé the army must have suffered materially for the want of beef."<sup>104</sup>

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<sup>103</sup> Davenport, *The Men of Goliad*, 43 Q. 17.

Holland, *Account, Frankfort Commonwealth*, June 1, 1836.

<sup>104</sup> Davenport, *The Men of Goliad*, 43 Q. 17-18.



From this point we shall deal with the activities of Fannin's command only insofar as they directly pertain to Refugio County and Refugio colonists.

Captain Cooke and the Greys, with part of the artillery, went direct from San Patricio to Goliad. A few days later (22nd) he was detailed by Fannin to take two prisoners to San Felipe, the prisoners being the Padre Valdez and his nephew, who were Refugio colonists. Davenport states that Cooke resigned as captain of the *San Antonio Greys*, and it is probable that as he was going to the seat of government any way, Fannin had him take the prisoners with him. During the time Cooke was stationed at Refugio, he acted as *procureur* of supplies for the army and made many demands upon the Refugio colonists and "pressed" large quantities of provisions. However, he was not particularly disliked personally because of these unpleasant activities. Cooke was appointed assistant inspector-general on General Houston's staff as soon as he reported at headquarters. Eventually he became a general of the Republic of Texas. Cooke County is named in his honor.<sup>105</sup> Fannin himself pressed supplies while at Goliad, taking \$1800 of goods from Thomas G. Western's store which was in charge of Caleb Bennett, a Refugio colonist.<sup>106</sup>

The arrests of Padre Valdez and his nephew were made by Duval's company, which made a raid on the San Antonio river ranches as far as the Carlos ranch, at which place they captured the *padre* and several others and brought them back to Goliad.<sup>107</sup> The Texians appear to have started from Goliad on the 14th and returned on the 15th; Major Mitchell was in charge of the expedition. A similar raid on the Carlos ranch was made March 11-12. This time a detachment of *Red Rovers*, under Lieutenant Francis, was sent. Dr. Barnard was with this party. They found the village practically deserted and seem to have taken no prisoners.<sup>108</sup>

Shortly after Fannin's regiment had left Refugio, a young man, who now lies buried in a known but unmarked grave outside the Catholic cemetery at Refugio, arrived at the Mission with news and plans of Santa Anna's invasion of Texas. This young man, James Hampton Kuykendall (referred to by Fannin as "Young Mr. Kuykendall") had escaped from Mexico and with a faithful Mexican friend, Pantaleon, had come as fast as they could to warn Texas of her danger. The two young men after resting at Refugio rode on to

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<sup>105</sup> Warren, *Colonel William G. Cooke*, 23 Q. 210-219.

Chabot, *With the Makers of San Antonio*, 205.

<sup>106</sup> Williams, *Writings of Sam Houston*, II, 512-513, note.

<sup>107</sup> Duval, *Early Times in Texas*, 31-32.

<sup>108</sup> Barnard, *Journal*, 12-13.

Goliad, reaching Fort Defiance on the 15th. There they communicated their information to Colonel Fannin,<sup>109</sup> and left the next day for San Felipe; James Hampton Kuykendall, with several of his brothers, was later at the Battle of San Jacinto.<sup>110</sup> Captain Cooke and Captain James Tarlton (who had brought a dispatch to Fannin) departed on February 22, taking along the padre and his nephew.<sup>111</sup>

With the ominous news from Mexico, Fannin began to worry about his line of supply and considered the possibility of abandoning El Copano. Despite the urging of the Acting Governor that he maintain his position at Copano<sup>112</sup> and advice that John Malone was to be excused from the Council in order to return home and arouse the Irish colonies, Fannin decided to inspect Dimmitt's Landing and Cox's Point, with view of making them his depots. On February 18 he left for the tour of inspection and returned on the 21st. El Copano was abandoned as a depot<sup>113</sup> about the latter part of February.

Santa Anna's army reached the heights of the Alazan, overlooking Bexar, on February 23.<sup>114</sup> Travis sent out calls for reinforcements and other aid. On the 25th Colonel James Butler Bonham arrived at Goliad with Travis' dispatch to Fannin.<sup>115</sup> The dispatch concluded, "We have removed all our men into the Alamo, where we will make such resistance as is due to our honour, and that of the country, until we can get assistance from you, which we expect you to forward immediately."

Fannin immediately determined to go to Travis' assistance, with a part of his garrison, the others to remain and hold the fort. All of the men insisted on going and Westover's company was the only unit willing to obey orders and stay. On the 26th Fannin and his entire command, excepting Westover's company, started for the Alamo. The expedition had not gotten out of town before the wagons began to break down. After it crossed the river, it was discovered that there was insufficient provisions for the march. A council of war was held, and the expedition was abandoned. It returned to Fort Defiance next

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<sup>109</sup> Fannin to Robinson, Feb. 16, 1836, *Lamar Papers*, I, 332-334.

Foote, II, 210-212.

Smith, *James W. Fannin, Jr.*, 23 Q. 193.

<sup>110</sup> Kemp, *Heroes of San Jacinto*.

<sup>111</sup> Cooke, *Account*, *Lamar Papers*, IV, pt. 1, 43.

Smith, *James W. Fannin, Jr.*, 23 Q. 195.

<sup>112</sup> Robinson to Fannin, Feb. 15, 1836, Binkley, *Correspondence*, I, 433-434.

<sup>113</sup> Davenport, *The Men of Goliad*, 43 Q. 20-21.

Royall to Council, Feb. 18, 1836, Binkley, *Correspondence*, I, 441-442, 490-491.

<sup>114</sup> Williams, *Siege of the Alamo*, 37 Q. 10.

<sup>115</sup> Foote, *Texas and the Texans*, II, 224-226.

day.<sup>116</sup> The factor determining Fannin's decision was the arrival of Colonel John White Bower with news that a Mexican advance was rumored and that Goliad might expect attack.<sup>117</sup> Colonel Bower was in charge of Fannin's spy system. Paulino de la Garza, Jose Ma. de la Garza and Nemencio Ramires claimed in 1860 to have served under Bower.<sup>118</sup> On the afternoon of the 28th Fannin received an express from Edward Gritten, at Refugio, advising of the destruction of Colonel Johnson's force at San Patricio.<sup>119</sup>



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<sup>116</sup> Foote, *Texas and the Texans*, II, 224-226; Yoakum, II, 473; Brown, I, 597 (note). Smith, *James W. Fannin*, 23 Q. 199; Roller, *Captain John Sowers Brooks*, 9 Q. 181. *Fannin to Robinson*, Feb. 28, 1836, *Lamar Papers*, I, 341-342. *Fannin to Robinson*, Feb. 28, 1836, *Lamar Papers*, I, 338-339.

<sup>118</sup> *Commissioners Minutes* I, Nov. 1860. *Minutes County Clerk*, 1861.

<sup>119</sup> *Fannin to Robinson*, February 28, 1836, *Lamar Papers*, I, 341-342. Smith, *James W. Fannin, Jr.*, 23 Q. 200.

## CHAPTER XV

### WAR REACHES REFUGIO

**R**EFUGIO relapsed into quietude after Fannin's regiment had left about the middle of February. There was some traffic between El Copano and Goliad. Some of the traffic went by the direct road, but most came through Refugio, which was an assembling station for provisions and draught animals.

Edward Gritten, who had been appointed Collector of the District of Aransas (December 11) appears to have delayed coming to Refugio. Of course, there was not a great deal of revenue to be collected at El Copano. During the latter part of January and early part of February he was at Bexar, where he kept the Acting Governor advised of events transpiring there and of matters appertaining to his collectorship.<sup>1</sup> He probably came to Refugio shortly after Fannin had left.

Colonel Power left Refugio on the 20th to attend the Convention scheduled for March 1 at Old Washington. Lewis Ayers sent by him his resignation as collector of Lavaca.

Captain King and his Kentucky company had been left at Refugio as an outpost when Fannin moved to Goliad. These volunteers had taken up quarters in the mission church. Some of them became ill and were without doctors or medicines. Lewis Ayers stepped into the breach and supplied medicines and "also attended on several sick volunteers and prescribed for them." One young soldier who was a consumptive died in the mission.<sup>2</sup>

Many Refugio colonists' families had left during the preceding fall, but a considerable number still remained. These were augmented by a number of San Patricio families, which were evacuated as far as Refugio and expected to remain there. Among these were the Osbornes and the Ayers. The sojourn of young James Hampton Kuykendall and his companion, Pantaleon, with their news fresh from Mexico, did not unduly alarm the population. Kuykendall went to Goliad, as has been stated, and the Refugio citizens went on about the usual tenor of their ways.

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<sup>1</sup> Gritten to Robinson, Jan. 31, 1836, Binkley, *Correspondence*, I, 368-369; February 2, 1836, p. 385.

<sup>2</sup> Ayers, *Journal*, Lamar Papers, I, 334.



Henry Foley, merchant at Refugio, was frequently called upon to furnish clothing and dry goods to Fannin's army. John Dunn appears to have sold out and gone to the army. Martin Power, who was a cripple, still maintained a stock of merchandise. As before stated, he was the *alcalde* of Refugio. Most of the men of the municipality whose families had not left the country were in the army, some with Westover, some with other units of Fannin's regiment, two or three with Johnson and Grant, eight or nine with Travis in the Alamo, a fair number with Sam Houston's regulars, and some on special duty either alone or with isolated units. Most of the residue were in Fraser's militia company, which was active in espionage and scouting work.

The relative tranquility was disturbed about midnight of February 25, when Captain King received an express from Fannin advising that Santa Anna had taken possession of Bexar and ordering King's company to Goliad. King and his men left early the next morning.<sup>3</sup> Thereafter ugly rumors from the south became rife; and on Sunday, the 27th, a young man dashed into town with the intelligence that Colonel Johnson, Captain Pearson and their detachment had been surprised and put to the sword at San Patricio at daybreak that morning. The survivors of Johnson's force began to straggle into Refugio about sunset of the 27th. Daniel J. Toler, who was Dr. Grant's partner, was the first to arrive. By noon of the next day the six sole survivors — they being Colonel Francis W. Johnson, Daniel J. Toler, James M. Miller, John H. Love, Edward H. Hufty, and John F. Beck — had arrived in a pitiable condition and were ministered unto by the people of Refugio.<sup>4</sup> Gritten promptly dispatched an express to Fannin, giving the latter his first news of the disaster.<sup>5</sup> The next day the fugitives were given new mounts and sent over to Goliad, Henry Foley going with them.

The rider from San Patricio, followed by the first survivors, alarmed the citizens of Refugio to such a degree, according to Ayers, that by nine o'clock the same night several of the families had left for places of safety, and by eleven o'clock P. M. all of them excepting three (Ayers and two others) had gone, many of them abandoning their possessions in a wild stampede to get to places of safety.<sup>6</sup> The

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<sup>3</sup> Ayers, *Journal*, *Lamar Papers*, I, 334.

<sup>4</sup> Ayers, *Journal*, *Lamar Papers*, I, 334.  
Johnson, *Texas and Texans*, I, 419-427.  
Davenport, *The Men of Goliad*, 43 Q. 28.  
Philip Power, *Memoirs*.

<sup>5</sup> Fannin to Robinson, Feb. 28, 1836, *Lamar Papers*, I, 341-342.

<sup>6</sup> Ayers, *Journal*, *Lamar Papers*, I, 334-335.

heads of most of these families were members of Fraser's militia company, and this exodus practically dispersed that company. Fraser and a few remained at their post, afterwards joining Fannin's command.

The withdrawal of King's company and the dispersal of Fraser's left Refugio exposed to attack. Nor was the enemy long in apprehending this fact. At midnight of the 27th Captain Don Carlos de la Garza and his *Victoriana Guardes*, composed of Mexican rancheros of this section, rode into Refugio. With them was a band of Indians. Leaving a band of Mexicans and Indians to raid the town, de la Garza, with the bulk of his cavalry, rode on to San Patricio to establish contact with Urrea's army. Power's and Foley's stores were plundered and many of the private homes were ransacked. The looting continued for two or three days. Ayers says, "Feather beds were opened and feathers scattered to the winds, for the purpose of ascertaining if there was any money secreted in them." Ayers and his brother-in-law Osborne stood by their guns and held the raiders at bay. Their lives were threatened, but no harm came to them. The raiders rounded up all of the horses in the vicinity and drove them "out of the town heavily loaded with plunder this day."

To add to the terror of the remaining families, the few survivors of Dr. Grant's detachment which had been cut to pieces at Agua Dulce on March 2, began to filter into Refugio. Ayers relates, "I walked out this morning and saw a man who was approaching the house with great caution. I went toward him and called him to me. He proved to be a volunteer by the name of Moses, who made his escape from an engagement which took place yesterday about 20 miles beyond San Patricio. . . . I took Moses to my house and gave him his breakfast, after which I went with him to Goliad, one horse carried our baggage, one alternately riding one after another. We arrived at Goliad about 8 o'clock. I presented myself immediately to Col. Fanning and was well received. Messed with him and his suite, and Captains Westover, Wallace, McIntyre, King, George, Lieutenant Gates and Dr. Field."<sup>7</sup>

In the Johnson defeat Benjamin Dale was killed, and William Langenheim was taken prisoner. After a long imprisonment at Matamoros he was released and went to Philadelphia. There he was a commercial photographer for many years. Both of these men were Refugio colonists. There appear to have been none of our colonists in Dr. Grant's party. Six of that party escaped through Refugio,

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<sup>7</sup> Ayers, *Journal*, *Lamar Papers*, I, 335-336.

Captain Placido Benavides, Randolph De Spain, William James Gatlin, David Moses, James Reed, and William Scurlock.<sup>8</sup> Captain Benavides bore a dispatch from Johnson and Grant to Fannin, probably the last they ever sent. Don Placido duly delivered it to Colonel Fannin.

Ayers had been prompted to accompany David Moses to Goliad by two reasons. First, he believed his presence at Refugio endangered the lives of his families and friends. Second, the fleeing colonists and the Mexican raiders had stripped Refugio of all means of transportation. Witness Ayers' "alternative riding" enroute to Goliad. He solicited Fannin's assistance in getting teams to remove the remaining Refugio families to places of safety. Fannin promised that as soon as his teams had returned from the Lavaca (Dimmitt's Landing and Cox's Point being then his depots) he would send a sufficient number to the Mission. While at Goliad, Fannin, "acting as commander in chief," appointed Ayers to the position of "acting assistant quarter-master general"; and he entered upon his duties at once and, therefore, did not go back to Refugio with King's men.<sup>9</sup>

So as not to break the continuity of the heroic story of King and Ward at Refugio, which we shall relate, we will interpolate here a brief account of some contemporary events occurring in other fields. On March 5, 1836, news was received at Goliad of the signing of the Declaration of Independence, on the 2d inst. A parade was held in honor of the event, and the Flag of Independence was run up on the presidio church tower. Ehrenberg relates that the high wind blew down the flag, but it was put back up. He considered the incident to be an "evil omen."<sup>10</sup> It is a strange coincidence that Captain William S. Brown, who made the bloody arm flag of independence and who hoisted it at Velasco, if it was not unfurled at Goliad on the occasion of the Goliad Declaration, was a member of Fannin's regiment at the occasion mentioned by Ehrenberg. The enthusiastic Dutchman describes the flag used as a lone star on a blue field, but it might have been that Captain Brown's bloody arm flag was raised over Goliad after all.

When the Convention of March 1, 1836, convened at Old Washington, Refugio municipality found itself represented by two sets of delegates, those elected by the citizens and those elected by the soldiers. The condition of the times was so grave that the Convention eschewed technicalities and seated both delegations. Thus our munici-

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<sup>8</sup> Davenport, *The Men of Goliad*, 43 Q. 29. See also Phil Powers, *Memoirs*.

<sup>9</sup> Ayers, *Journal, Lamar Papers*, I, 336.

<sup>10</sup> Bartholomae, *Ehrenberg*, 135.

pality was represented by four delegates, General Sam Houston, Colonel James Power, Edward Conrad, and David Thomas, all of whom became signers of the Declaration of Independence.<sup>11</sup> Probably no municipality presented a more distinguished or able delegation than did Refugio. Conrad and Thomas proved themselves to be active and able and became leaders in the convention.

John White Bower, John Turner, and John McMullen appeared for San Patricio municipality, which was entitled to but two delegates. McMullen contested Bower's election,<sup>12</sup> but Bower was declared to have been legally elected and was seated. McMullen appears to have been seated also.

John J. Linn and Jose M. J. Carbajal were elected delegates from Victoria and started to Washington, but enroute received news of impending invasion which necessitated their turning back.<sup>13</sup>

After the Declaration had been signed, the Convention began drafting a Constitution for the new-born Republic of Texas. Colonel Power was appointed on the Military Affairs Committee,<sup>14</sup> on the Committee to Draft the Constitution, and other committees. Probably his most noteworthy contribution was his wise and diplomatic handling of the Smith-Robinson trouble. As to this Dixon comments, "Because of his recognized loyalty to Governor Smith while serving as a member of the Council, he was consulted as to what course the Convention should take regarding the differences between Governor Smith and the Council. He advised the ignoring altogether of the acts of Lieutenant-Governor Robinson in his assumption of authority as Governor. Mr. Power's advice was followed and order soon took the place of chaos... Mr. Power was calm and deliberate in his statements and offered no criticisms of those with whom he differed. His stand was that of a patriot seeking peace and harmony. . . ."<sup>15</sup>

General Houston's stay in the Convention was short. On March 6 the Convention received a message from Colonel Travis at the Alamo, which had been written several days before and told of the situation with which he was beset. Of course, the Convention had no way of knowing that the Alamo had fallen the very day it got the letter and that the writer then belonged to the ages. General Houston immediately left the Convention to assume command of the armies, the Convention having elected him Commander-in-Chief.

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<sup>11</sup> Dixon, *The Men Who Made Texas Free*, 119-121 (Conrad), 155-180 (Houston) 215-218 (Power), 319-321 (Thomas), 67-68 Bower; L. W. Kemp, *The Signers of Texas Declaration of Independence* (1945).

<sup>12</sup> *Proceedings of Convention*, G. L. I, 842, 843.

<sup>13</sup> Linn, *Reminiscences of Fifty Years in Texas*.

<sup>14</sup> *Proceedings of Convention*, G. L. I, 848.

<sup>15</sup> Dixon, *The Men Who Made Texas Free*, 217. Kemp, *Signers*.



Conrad and Thomas were also members of the Committee to Draft the Constitution and did brilliant work in that connection. Conrad left the Convention early to join the army. He was sent to New Orleans as a recruiting officer, and we shall hear of him again. Thomas was a young lawyer, and his work made an impression on the leaders of the Convention. Although a newcomer to Texas, he was appointed Attorney-General of the Provisional Government. He followed the fugitive government from place to place. He was accidentally killed a few months later.

John Turner introduced a resolution requiring army contractors and quarter-masters to provide rations for the families who had been driven away from their homes at Refugio, San Patricio and San Antonio "while their husbands and fathers are in the field." This resolution was killed in committee.<sup>16</sup>

The Convention ratified the appointment made by the General Council of officers in the regular army. Those in which our county is interested is William E. Howth, 2d lieutenant, infantry; James W. Fannin, Jr., colonel, artillery; Francis W. Johnson, major, artillery; Ira Westover, captain, artillery; I. N. Moreland, captain, artillery; Lucius W. Gates, 1st lieutenant, artillery; Walter Lambert, 3d lieutenant, artillery; William P. Miller, major, cavalry; Jesus Cuellar, captain, cavalry; Placido Benavides, 1st lieutenant, cavalry; Manuel Carbajal, 2d lieutenant, cavalry; Darwin M. Stapp, cornet, cavalry; Isaac W. Burton, captain, rangers.

When the question of organization of the militia came up for discussion, delegate Martin Parmer attempted to amend it by providing for segregation of Mexicans living in Refugio, San Patricio, Bexar, and Nacogdoches. His amendment failed.

The Convention, having adopted a Constitution, adjourned *sine die* on March 17, 1836.

After the adjournment of the Washington Convention on March 17, Power remained with the government, as he had received news from Refugio of the advance of Urrea's army and also that his father-in-law, Captain Portilla, had taken Mrs. Power and the children to Matamoros for safety. Realizing the danger and uselessness of returning to Refugio, he decided to join the army; and just as he was about to do so, it was suggested by Sam P. Carson, the Secretary of State, that Power, who was well and favorably known at New Orleans, that he could better serve Texas by going to that city and raising supplies for the army. Acting on this suggestion, Colonel Power, on

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<sup>16</sup> *Proceedings of Convention*, G. L. I, 890, 902.

See G. L. I, 849, 859, 877, 888, 889, 897, for other items of interest to Refugio municipality.

the 25th, made a written offer to go on this mission, and further, offered to pledge his own credit in order to obtain the provisions. On the 29th the offer was formally accepted by the Provisional Government. Carson in his letter of acceptance stated "any man who would introduce provisions into the country on his own credit as you propose; would not only be entitled to the gratitude but would have great claims on the generosity of the country. . . ."<sup>17</sup>

Two days after the independence celebration, Fannin embarked on another of his characteristic, abortive, ventures. On March 7 his council of officers decided to march against San Patricio and retake it from the enemy.<sup>18</sup> This expedition was abandoned because it was proposed to take 300 men and leave the remainder to garrison Goliad, and all of the volunteers insisted on going. However, the eminent Texas historian Davenport has given a gripping account of this particular venture. The idea of marching against San Patricio was probably suggested by Captain Jesus Cuellar (nicknamed *Comanche*), who had deserted Cos' garrison at the Alamo and had guided Milam's column into Bexar and thereafter was commissioned captain in the Texian cavalry legion, and was now acting with Fannin's regiment. Cuellar proposed that he would go alone to San Patricio and tell Urrea that he had repented of his desertion from the Mexican army and desired to atone by warning him of a surprise attack which Fannin was about to make on San Patricio. The information which he would give Urrea would be calculated to cause that general to divide his troops, so that Fannin could fall upon them and beat them piecemeal. Fannin and his council agreed to this daring plan, which put its proponent in personal jeopardy, and Cuellar was assured that Fannin would faithfully carry out his end of it. Captain Cuellar went to Urrea's camp on the night of March 7 and was brought before the general and acted out his little part. Some of the Mexican officers were suspicious, but it so happened that Captain Cuellar's brother Don Salvador was then with Urrea's army as a guide. There was no doubt as to Salvador's loyalty; and he, after conferring with Comanche, was convinced of his brother's sincerity, and so assured the officers. Urrea fell for Captain Cuellar's plan and sent a column to ambush Fannin at a

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<sup>17</sup> Binkley, *Correspondence*, I, 554. See p. 554-5 for letter declining a proposal made by John McMullen.

It has been generally stated that Colonel Power returned to Refugio after the Convention adjourned, and was promptly arrested by Urrea and sent to Matamoros, where he was released after several days imprisonment by order issued by Santa Anna himself. It is well established that Power was in New Orleans on April 20, 1836, and remained there until the latter part of May.

<sup>18</sup> *Lamar Papers*, I, 336.

place on the Refugio road, eight or ten leagues from San Patricio, called the *Arroyo de las Ratas*. Urrea's army arrived at the Arroyo on the 8th and remained until the 10th in the ambushade. Captain Cuellar left Urrea at this point for the ostensible purpose of guiding Fannin into this trap. Urrea's *Diario* for the 10th notes, "I received intelligence that the enemy had changed his mind . . . I counter-marched to San Patricio." Fannin indeed had changed his mind and brought Captain Cuellar's brave efforts to naught.<sup>19</sup>

Lewis Ayers, it will be remembered, went to Goliad on March 2, primarily to obtain carts and an escort from Colonel Fannin with which to get his and other colonists' families stranded in Refugio to places of safety. When Ayers reached Goliad all carts were at Lavaca bay hauling supplies for Fannin's regiment. The Colonel promised Ayers that when sufficient carts should return from Lavaca he would send them to Refugio. While waiting for the carts, Ayers accepted the appointment as assistant quarter-master to the garrison. The carts returned to Goliad on the 9th, and Captain King was ordered to take his Kentucky company of about 28 men and part of Bradford's Huntsville (Ala.) company and go with the carts to Refugio<sup>20</sup> and bring back the families and their household effects and also a supply of ready-made clothing from Henry Foley's store, which Fannin had ordered on the 24th ult.

King and his party left Goliad on March 9 or 10<sup>21</sup> and in due time arrived at Refugio. Here he learned that the Ayers, Osborne, and other families were at the Lopez and Scott ranches, about four miles down the river and on the south side from Refugio. Leaving some of the carts to be loaded at Foley's store, King took the remaining carts and the bulk of his force down the river to the ranches where the families were. Enroute he was fired upon by a small party of guerrillas, which was quickly beaten off. The household goods of the families were loaded into the carts with the women and children seated on top of the furnishings.<sup>22</sup> While the carts were being loaded, five or six of the *rancheros* rode up and were recognized as having been among those who had been raiding Refugio. One of the *rancheros* was the *alcalde* Encarnacion Vasquez of Goliad. Five of the party, including the *alcalde*, were captured; one escaped.<sup>23</sup>

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<sup>19</sup> Davenport, *Captain Jesus Cuellar*, 30 Q. 56-62.

Arroyo de las Ratas ambush near NW corner Isaac Robinson league in present Bee County. Map among John H. Wood papers showing this creek and location of old roads.

<sup>20</sup> Ayers, *Journal*, *Lamar Papers*, I, 136.

Ayers, *Account*, 9 Q. 272.

<sup>21</sup> Bradford says 9th, most other accounts say the 10th.

<sup>22</sup> Hill, *The Siege of Mission Refugio*, in *Texas Almanac*, 1859.

Bradford, *Account*, *Frankfort Commonwealth*, June 8, 1836.

<sup>23</sup> Ayers, *Journal*, *Lamar Papers*, I, 337.

The party then began its return to Refugio; then it was again attacked by a force of *rancheros* and Karankawa Indians, numbering from 90 to 100. The assailants fired into the wagons, breaking a leg of one of the women. This was the only casualty among the women and children.

The attack took place near Mission river about three miles below Refugio. Captain King hurried the carts into the river bottom and ordered them to go ahead to town while he and his men threw themselves between the enemy and the families. King and his men under cover of the timber kept the enemy at bay until the families were out of danger in the old mission church. The Texians then retreated slowly and in good order to the mission.<sup>24</sup> In the fight King had three men killed and two wounded.<sup>25</sup>

The *rancheros* and Indians, under Captain Carlos de la Garza, were in possession of the town; and King doubted if he would be able to successfully run the gauntlet to Goliad, with his small force, and incumbered as he was with the families and the slow moving carts. Therefore, he sent a dispatch to Fannin asking for reinforcements. His messenger arrived at Goliad about midnight of the 11th.<sup>26</sup>

The *rancheros* and Indians surrounded the mission and kept up an intermittent attack the balance of the day, which they renewed the next morning. The Mexicans had two cannons with which they bombarded the mission. The roof was slightly damaged. In one of the sorties, which King made from the mission, six of the *rancheros* were captured and brought back into the church.<sup>27</sup>

General Urrea, on learning of the presence of the Texians at Refugio, on the 13th dispatched a picket commanded by Captain Pretalia and 30 civilians headed by Don Guadalupe de los Santos with instructions "for the first group to hold the enemy at the mission until I arrived with my division. I selected 100 mounted men 180 infantry; and with our four-pounder, continued the march during the night, leaving the rest of our troops encamped on the Aranzazu creek."<sup>28</sup>

When King's letter was delivered to Fannin, the latter caused the alarm to be sounded about 12:30 A. M. on the 13th and ordered Lieutenant-Colonel William Ward with the Georgia Battalion to Refugio to extricate King and the families. Captain Bradford went

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<sup>24</sup> Scott, in Daniell, *Representative Men*, 484.

It will be noted that almost all accounts state that the Indians were cooperating with the *rancheros*.

<sup>25</sup> Avers, *Account*, 9 Q. 272.

Bradford, *Account*, Frankfort Commonwealth, June 8, 1836.

<sup>27</sup> Scott, *Account*, in Daniell, *Representative Men*, 454.

<sup>28</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 218.



with the remainder of his company, and Lewis Ayers volunteered to go with the party. The strength of Ward's party has been given variously from 120 to 150 men. Bradford gives the number as 131. The Georgia Battalion, taking only necessary equipment, and 36 rounds of ammunition per man, left Goliad about 3 A. M. and made a forced march over a muddy road and through a cold drizzling rain, arriving at the mission at about 2 o'clock on the afternoon of the same day (13th).<sup>29</sup>

When Ward and his battalion arrived at the mission they found King surrounded by from 100 to 200 Mexicans, with others in sight across the river. Ward deployed his men in battle formation and fired upon the besiegers, who immediately fled across the river, where they had established a camp. The relieving force then marched into the mission, where they found King's party and a number of colonist families unharmed, except as has been stated. Ward assumed command.

It had been Ward's plan to extricate King and his proteges from their precarious situation and return immediately to Goliad. However, his men were worn out by their hard night-march and needed rest. Ward, therefore, decided to remain overnight at Refugio and depart early next morning. The Mexicans for their part remained in their camp across the river and did not offer to renew the battle.

After Ward's men had rested and eaten, their spirits began to rise and demand action. It was decided to strike one blow at the enemy before leaving Refugio. During the night Captain Ticknor, with his own and some of Bradford's men, crossed the old ford above the mission and made a surprise attack on the Mexican camp and completely routed the enemy, killing 25, including a lieutenant. The Texians sustained no loss. The next morning the party went out to inspect the result of their night's work. They found a few Mexicans engaged in carrying off their dead. These fled at the approach of the Texians. The enemy had left their horses tied, and these with bridles and saddles were brought to the mission.<sup>30</sup>

Among the Mexican dead the Texians recognized the body of Captain Luis Guerra, who, it will be remembered, had been brought from Tampico by General Mexia. Guerra and his little artillery company served under Fannin at Goliad, until about March; when

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<sup>29</sup> Rowell, *Hitchcock's Account* MSS. State Library. *The Georgia Battalion, Texas Almanac*, 1860, 84. Hardaway, *Account*, June 6, 1836, Foote, II, 255.

<sup>30</sup> Hardaway's, *Account*, Foote, II, 255, also in *Macon (Ga.) Messenger*. Brown, *Account, Lamar Papers*, II, 10-12. Another account, *Texas Almanac* 1860, 82-88, Baker, *Texas Scrap Book*, 242-250, Johnson, *Texas and Texans*, I. Andrews, *Account, Lamar Papers*, IV, pt. 2, 238-239.

he represented to Fannin that he and his men did not wish to fight against their countrymen and asked leave to retire. Fannin generously granted the request and gave him a passport to go through to Matamoros. When Guerra met with Urrea's army, he promptly joined it, and came back to fight his former comrades in arms.<sup>31</sup>

Generally accepted historical accounts state that on the morning after Ward had arrived at the mission, Captain King disputed with him his right to command. "King, though a captain merely, wanted the command of the whole party; this, Ward, as a matter of course, could not allow; he having upwards of 100 men as well as being Lieutenant-Colonel. King thought he ought to have command, because he had had a fight with the enemy, and had been first at Refugio."<sup>32</sup> Most of the accounts are that when King failed to obtain the command, he withdrew from the mission, taking his own company and 18 of Bradford's men. Other accounts indicate that King left the mission, on good terms with Ward, to go down the river to Esteban Lopez' ranch for the purpose of capturing Lopez. At all events it appears that the headstrong King went out on this venture despite Ward's protests, but with view of rejoining Ward after it had been accomplished. It would seem, too, that Ward agreed to wait at Refugio for King's return, pending which he made a reconnaissance of the enemy. Captain Bradford and the major portion of his company remained with Ward.

King's party, which included Lewis Ayers, Francis Dietrich and Nicholas Fagan, colonists,<sup>33</sup> some of whose families were with Ward at the mission, went down the river for a distance of about six miles. They visited the Lopez ranch, which they burned when they failed to apprehend Esteban. They also went to other nearby ranches and raided or burned them, consuming the entire morning in these pointless enterprises. It was 12 o'clock noon when King got back within sight of the mission, when, as Ayers states, "to our utter surprise we discovered what proved to be the whole of General Urrea's division of 1500 men in possession of the town. Our friends to the number of about 120 men were in the Church, my family and others were also in it. The moment we saw the enemy, we were discovered by them, and a party of horsemen amounting to upwards of 100 men galloped to cut off our retreat to a piece of woods to which we

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<sup>31</sup> Andrews, *Account, Lamar Papers*, IV, pt. 2, 238-239.  
Davenport, *The Men of Goliad*, 43 Q. 17.

<sup>32</sup> Andrews, *Account, Lamar Papers*, IV, pt. 2, 238.  
Brown, *Account, Lamar Papers*, II, 12.

<sup>33</sup> Davenport, *The Men of Goliad*, 43 Q. 31.  
Ayers, *Account*, 9 Q. 272-274.

hastened about 600 yards. When we reached there we found our number reduced to 22 men by the desertion of 6.”<sup>34</sup>

The place where King took up his position was a timber mott near the south bank of Mission river, near what is known as the “Norton Hole.” This battleground is in the Mitchell pasture, on the town tract.<sup>35</sup> Ayers continues,

“We had time before attacked to choose a good fighting position, and for each man to have his station assigned to him, which was maintained by all throughout an engagement of about one half hour, when the enemy retreated with about 20 killed, and a large number wounded. After an interval of about one hour more, we were again attacked by about 200 of the enemy in two parties opening a cross fire upon us. We still maintained our ground and after an hours hard fighting we compelled them to retreat. One man of our party was killed, within 3 feet of me, and four were wounded. The number of the enemy killed and wounded was very large, but I have not been able to learn the number.”<sup>36</sup>

From other accounts it would appear that King had many more men—some 40 or 43—than Ayers states. The battle in the timber was kept up during the afternoon and until dusk. King appears to have had quite a number of his men killed and wounded. Urrea states, “I ordered Colonel Gabriel Nuñez, with a part of the cavalry in our reserve, to go out to meet the enemy that was approaching in our rear. The enemy had taken refuge in a woods which a large creek made inaccessible. I ordered sixty infantry, commanded by Colonel Garay, to dislodge them. They killed eleven and took seven prisoners, but the thickness of the woods did not permit a more decisive victory before darkness enabled the enemy to escape.”<sup>37</sup>

Ayers continues, “Towards night we were attacked a third time from the opposite side of the river. Captain King, then directed us to lie close, protecting ourselves as much as possible by the wood, and not to fire again, holding ourselves in readiness for an expected attack on our side of the river, which however, did not take place. The enemy after wasting, as I suppose, all their powder and ball without doing us any personal injury, went away. My life was saved in the second engagement by a ball glancing from one of a pair of pistols which I wore in front. They were given me by Captain King.”<sup>38</sup>

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<sup>34</sup> Ayers, *Account*, 9 Q. 273.

<sup>35</sup> Shelly, et al *Title of Mitchell Lands* June 27, 1941. Refugio County Deed Records.

<sup>36</sup> Ayers, *Account*, 9 Q. 273.

<sup>37</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 219-220.

Garay, *Memorias*, II. 410-414. Translated by Harbert Davenport.

<sup>38</sup> Ayers, *Account*, 9 Q. 274.

Colonel Ward, after viewing the scene of Captain Ticknor's night attack and while awaiting the return of Captain King, sent out patrols to contact the enemy. One party, of which Samuel G. Hardaway was a member, went about two miles to a ranch and burnt the houses and provisions. Seeing the enemy concentrating in great force, this party went back to the mission.<sup>39</sup> Colonel Ward with the major part of his command made a reconnaissance in force along the San Patricio road. The Texians ran headlong into a party of enemy cavalry. Despite the superior number of the Mexicans, Ward tried to bring on an engagement; but the enemy declined to join and fell back until Urrea's main army began to reinforce them. Seeing the situation, Ward retired rapidly to the mission and began to put it into a state of defense.<sup>40</sup> This was about 10 o'clock in the morning.

A detail of 15 men, with which was Samuel T. Brown, a nephew of Colonel Ward, was sent to the river to bring in a supply of water. James Humphries, of Columbus, Georgia, was sent to Goliad with an express advising Fannin of the situation. Humphries appears to have gotten through, as he was with the Red Rovers at Coleto.<sup>41</sup> The remainder of the garrison busied themselves in getting ready to meet the assault, which they knew was near at hand. The entrances were blocked with "the images, benches, pews, etc."<sup>42</sup>

Colonel Garay gives the movements of Urrea's army, up to this point, as follows: "On the morning of the 14th, the General marched against the Mission with 200 infantry, the cannon, and 200 cavalry. The rest of the division, with the baggage and supplies, marched at seven. The enemy, in number a hundred men, were occupying the church, the only defensible point in this miserable village. Over to his left, and at a distance of an eighth of a league, he had another 50 men ambuscaded [King's force]. This force remained there, cut off by the cavalry of Guanajuato, which had anticipated by some moments the arrival of the division. Understanding the situation but imperfectly, we formed carelessly in front of the church, through pursuing a rear guard of some 30 men engaged in guarding the introduction into the fort of two barrels of water, drawn by oxen, who had been hidden from us by the position of the river. This circumstance brought on the action, as the General deemed it important to deprive them of this resource, and, to effect it, they were attacked on the march. For this purpose three parties were detached, who

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<sup>39</sup> Hardaway, *Account*, in Foote, II, 255.

<sup>40</sup> Brown, *Account*, *Lamar Papers*, II, 12.

<sup>41</sup> Davenport, *The Men of Goliad*, 43 Q. 29-30.

<sup>42</sup> Hardaway, *Account*, Foote, II, 255. Also Macon (Ga.) *Messenger*.



advanced, in truth, boldly and courageously, to flank the rebels retiring with the water, who, however, bore it away."<sup>43</sup>

The Texian side of the water incident is thus related by S. T. Brown: "About ten o'clock in the morning, a party of 15 with myself, was sent to a river about 200 yards off, with oxen and cart, to bring two barrels of water into the fort. We had just filled the vessels and were leaving the river when we were fired upon from an open prairie on the other side, by General Urrea's army of 1100 men, about half a mile distant. We made all possible speed for the fort, holding on to the water, except about half a barrel, which was let out by one of the bullets piercing the head. The enemy kept firing as they crossed the river, and marched within fifty paces of the church, when Colonel Ward ordered his men to fire, which drove the Mexicans back and left the ground pretty well spotted with their dead and wounded."<sup>44</sup>

General Urrea relates, "... the pitiful stories which the civilians of the place related about the thefts and abuses they had suffered at the hands of the enemy, excited the indignation of the officers and troops of my division, and decided me to take advantage of the opportunity afforded by the coming out of a party of eighty men to get water at a creek situated about a gun shot from their fortification to order a group of infantry and another of cavalry to start a skirmish, hoping to draw out the rest of the enemy from their entrenchment. The eighty men retreated immediately to the fort. The officers and troops manifested a great desire to attack the enemy; and, wishing to take advantage of their enthusiasm, I immediately ordered a column of infantry to make the charge, protected by the fire of our cannon which had been moved forward sufficiently to destroy the door of the church. With our cavalry covering our flanks, our advance was so successful that the infantry arrived within ten paces of the cemetery without a single man being wounded. The enemy, coming out of its lethargy, opened up a lively fire upon our men. The troops, being mostly recruits from Yucatan, stopped spellbound the moment their first impetus was spent, and all efforts to force them to advance was unavailing, for the greater part of their native officers who a moment before had been so eager disappeared at the critical moment. These men were, as a rule, unable to understand Spanish, except in a few cases, and the other officers, not being able to speak their language, were handicapped in giving the commands. The infantry took refuge in a house and corral situated about fifteen paces from

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<sup>43</sup> Garay, *Memorias*, II, 410-414 (Translation by Harbert Davenport).

<sup>44</sup> Brown, *Account*, *Texas Almanac*, 1860.

the church. I ordered a part of the cavalry to dismount in order to encourage the former by their example. Not succeeding in making their advance, and the dismounted cavalry being insufficient to take the position of the enemy, the moments were becoming precious, for at that very moment another party [King], coming from Copano, was threatening my rear guard. I, therefore, ordered a retreat. This operation was not carried out with the order that might have been expected from better disciplined troops. In the meantime our cannon had been moved forward to within twenty paces of the cemetery, but my brave dragoons removed it in order to continue harassing the enemy from a distance, where the enemy fire could cause us no damage. Not one of the enemy dared show his face.”<sup>45</sup>

The Texian accounts, which to an extent are confirmed by Colonel Garay, traverse Urrea’s statement that he brought off this cannon safely. Garay says, “But having surrounded also those in the church, we had not the prudence to withdraw our forces; on the contrary, they were permitted to advance closer and afterward to remain halted, after exhausting the ammunition in their cartridge boxes, (which was all that they carried), at less than thirty varas distance; and were exposed to the fire of the enemy’s marksmen for some time, suffering considerable loss without the possibility of retaliating. In consequence, those who served the cannon, having placed it so near the building that we could not retain its possession. More than common courage was needed to withdraw it, but to this end we persevered successfully, suffering many casualties.”<sup>46</sup> The Texian account is that seeing the Mexican cannon in its exposed position a sortie was made from the fort, and the piece was dragged triumphantly within the walls.<sup>47</sup> According to local tradition, this feat was accomplished by five Irish colonists and one German, who were refugees within the mission.<sup>48</sup>

In the mission, besides Ward’s battalion, were a number of colonists, principally women and children, and about twenty local Mexicans, who had been captured previously by King’s garrison, or were taken in forays made by Ward’s men. Among the prisoners was Cobian, of whom we will speak later in our story. Among the colonists were Sabina Brown, widow of James Brown, and her two daughters, Frances and Ellen; and two young lady friends (orphans); Mrs. Lewis Ayers and her four daughters, Mary Elizabeth, Helen

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<sup>45</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 218-219.

<sup>46</sup> Garay, *Memoirs*, II, 410-414 (Translated by Harbert Davenport)

<sup>47</sup> Sabina Brown, *Memoirs*.

<sup>48</sup> *Timely Remarks*, Centennial Edition, December 14, 1934, 9-10

Louisa, Cornelia Maria, and Charlotte Sophia (Mrs. Ayers was also *enciente* at the time); Abraham H. Osborne, and his wife and children; Mrs. John Scott and children, one being Henry Scott; Robert Patrick Hearn, and his wife and children; the parents of E. N. Hill and E. N. Hill; the Nicholas Fagan family; the Dietrich family;<sup>49</sup> Antonio Sayle, Thomas Quirk, John B. Sydick, and Edward Perry.<sup>50</sup>

"Directly after the first charge of the enemy on the Mission, Ward discovering and dreading the inequality between his force and that of the enemy, he dispatched a courier to Fannin, asking for reinforcements and also for a supply of ammunition."<sup>51</sup> The courier referred to was Edward Perry, who not only got through the cordon Urrea placed around Refugio and delivered the message to Colonel Fannin, but brought back Fannin's reply to Ward, as we shall hereafter see. He was the only messenger who succeeded in getting through both ways.<sup>52</sup>

As a result of the first assault on the mission, the Mexican casualties in dead and wounded were high. General Urrea established his headquarters and a field hospital for officers at the Sabina Brown home near the northeast intersection of Alamo and Purisima streets.<sup>53</sup> In 1929-1930 when excavations were made for the La Rosa cafe and filling station building, the skeleton of a Mexican officer was discovered and removed to Mount Calvary Cemetery.

Urrea appears to have scattered cavalry units, utilizing Captain de la Garza's *Victoriana Guardes*, between Refugio and Goliad to intercept messages and reinforcements and also to have dispatched a detachment to take possession of El Copano. His main army now having moved up, Urrea made his dispositions for his second assault on the mission, while, at the same time, trying to dislodge Captain King from the timber mott down the river.

Colonel Ward, on his part, was not idle. The barricades of the openings were strengthened, loop holes were punched through the strong stone walls of the mission. Marksmen were placed in the cupola of the church, from which vantage point they could watch King's valiant struggle about a mile down the river. Up to this time the Texians had suffered no losses whatever in dead or wounded.

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<sup>49</sup> Sabina Brown, *Memoirs*; Henry Scott, *Memoirs*; Philip Power, *Memoirs*. E. N. Hill, *Account*; Ayers, *Account*; 9 Q. 272; Ayers *Journal*, *Lamar Papers*, I, 337. Davenport, *The Men of Goliad*, 43 Q. 31.

<sup>50</sup> Davenport, "King and Ward at Refugio."

<sup>51</sup> Brown, *Account*, *Lamar Papers*, II, 10-12.

<sup>52</sup> Hunter, *Account*, *Lamar Papers*, V, 375.

<sup>53</sup> Philip Power, *Memoirs*; W. L. Rea, *Memoirs*.

It is an undoubted fact that Ward sent out a sortie and burned all houses and buildings within immediate rifle range of the mission, but at what stage of the operations is uncertain. Urrea states that the burning took place first thing in the morning when Urrea first made his appearance, while Garay states that the conflagration took place late in the evening, thus giving the impression that the Texians intended to remain in their fort and fight it out the next day. It is probable that Ward took advantage of the lull following the first assault to clear his field of fire.

Foote gives a vivid account of the second assault on the mission,

"On three sides of the church there was nothing to cover the approach of an enemy, but in advancing to make an assault, he must be exposed to the deadly aim of the garrison, the moment he came within rifle shot. On the fourth side was the churchyard, of some fifty yards in length, walled in. From the end of this the ground sloped for some distance. This would cover the advance of an enemy until it became necessary to scale the wall, and then there were some tombs within that would still partially cover them in a nearer approach to the walls of the church. This point must therefore be defended by a force posted in the yard.

"Bullock's company, consisting of about thirty-five men, then without a commissioned officer present, but acting as a band of brothers, volunteered for this dangerous service. Ward himself, although looking well to his duty as commandant of the battalion, was never long absent from this outpost; he scarcely affected to assume the command, but ranked with the band, and none could be more expert in using the rifle.

"The order of defence was promptly adopted, and not less promptly executed. The force of the enemy, having been increased by the arrival of another reinforcement, now exceeded thirteen hundred, including the cavalry. At eight o'clock (?), they were seen advancing briskly to the assault from all points at the same instant. Upon the unenclosed sides of the building the enemy opened a fire, on reaching musket shot distance. On the side of the yard, they were discovered marching slowly and silently in close column, intending to draw up unperceived, and spring upon their prey from the yard at the moment he was hard pressed by their companions, and wholly occupied by the attack from that quarter.

"Ward had ordered his men not to hazard an ineffectual shot, but that every man should reserve his fire until sure of his aim, and he was obeyed to the letter. At the first discharge of rifles from the building, as many Mexicans bit the dust. This



produced some confusion in the Mexican ranks and one or two parties retreated, but others recovered and made a rush towards the building. A second discharge from within, not less fatal than the first, cut down the foremost ranks and put the survivors to flight.

"Meantime, the contest had commenced on the side of the yard. The Mexican column had pressed forward as soon as the firing commenced on the other quarters; at something less than one hundred yards, they received the fire of the little band, until then concealed behind the wall. Several of the front ranks fell, almost in a body, as many, perhaps, by the panic as by the bullets; the remaining ranks fell back a few yards, but a further retreat was stopped by the efforts of a few brave officers. The column now displayed [deployed], and detachments from the two wings advanced to attack the yard in flank, while the centre once more moved forward to the attack in front. Ward and his little brothers (as he now called them, for they were all mere striplings in appearance, mostly under the age of eighteen), stood undaunted, pouring quick and deadly volleys upon the front, regardless of the threatened attack upon their flank, which they left to the care of their companions within the church; and these having now driven the first assailants beyond the reach of their rifles, were at full leisure to attend to the attack on that quarter, and the flankers now falling rapidly from their oblique fire, and unrestrained by the presence of any superior officer, fled like frightened deer, beyond the reach of danger. The contest was more obstinate in front, where several officers made a desperate effort to lead their men to the charge; many had fallen within a few yards of the wall, but every attempt to reach it proved ineffectual, and these men finding that they were maintaining the contest alone, while their companions had retreated out of danger, turned back with the rest.<sup>54</sup>

The defenders of Refugio mission underwent four assaults, including the preliminary fight over the water barrels, during the course of the day. The Mexican losses from the first two assaults were unquestionably heavy, but, as Foote goes on to say, "The pride of the Mexican officers, many of whom had been long in service, was excessively wounded by the result of the attempted assault (s), which in view of the great inequality of numbers, was felt to be disgraceful to the Mexican arms."<sup>55</sup>

Urrea's entire army had arrived on the south side of the Mission river by 3 o'clock P. M. The General about this time formed his

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<sup>54</sup> Foote, *Texas and the Texans*, II, 249-251. General Foote lived in Refugio County prior to Civil War.

<sup>55</sup> Foote, *Texas and the Texans*, II, 251.

troops for the third assault. While his dispositions were being made, his remaining artillery was moved up; and a bombardment of the mission was begun and was kept up. The three doors of the church were battered in, a breach was made in the southwest corner of the building, some distance above the floor, and the roof was badly damaged. Henry Scott states, "An officer, who I understand was Colonel Ward, was looking up at the breach; a cannon ball struck the wall, detached a rock and it fell on the officer's head. His opinion was that the church would fall in four or five hours should the cannonading continue. His wound bled considerably."<sup>56</sup>

At about 4 o'clock Urrea's storm troops were put in motion, a column being directed at each of the three destroyed doors of the church. When they came into effective range, a terrific musket fire stopped them. They recoiled and fell back to the shelter of Colonel Power's cowpens and the swaying chimneys of the burned buildings. Henry Scott states, "They fell back to Colonel Power's cowpens built of post oak rails and about 100 yards from the church. The Texians aimed at the parts of their bodies exposed by the cracks and did fearful execution. The enemy carried off many dead and halted under the banks of Mission river."

Scott relates an incident of the day's fighting. Antonio Sayle (called Silers by the colonists), a gunsmith, fought with Ward's men. Sayle, Sidick, Fagan, and Dietrich were members of the Refugio militia company. A resident Mexican named Rios dashed horseback past the mission, carrying an order from Urrea's headquarters. When nearly opposite the church, he hung from the saddle, using his animal as a cover. "Silers and another man had charge of a port hole. The companion killed the horse, Rios falling behind the dead animal. The *ranchero* lay still until he felt it safe to raise his head. When he did so, Sayle sent a rifle ball crashing into his brain, remarking, "He is hurt now."

The Mexican troops were formed for the fourth and final assault under the banks of the river. Darkness was fast approaching. This time the focal point was the south gate of the cemetery wall, which was a large opening sixteen feet wide, arched over. The Mexicans came up with bravery and determination. They forced their way into the grave yard, despite heavy losses. They got to the church door on that side; and their Lieutenant Juan Perez Arze, of the Jiminez Battalion, when he crossed the threshold was felled by a bullet. A

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<sup>56</sup> Ford, *Fall of Refugio*, in *S. A. Semi-Weekly Express*, Nov. 13, 1889, p. 5.  
Andrews, *Account, Lamar Papers*, IV, pt. 2, 239.  
Brown, *Account, Lamar Papers*, II, 10-12.

withering fire was poured into the surging ranks of the enemy, who, seeing their leader fall, fled hurriedly. The Texians sallied from the church and pursued the enemy until the latter took up position behind a slight elevation and gave battle. The Texians retired into the church.<sup>57</sup>

Major attacks then ceased for the day, and the Mexicans went to their camp, after placing a cordon of videttes around the mission to prevent the escape of the Texians.

Colonel Ward now had an opportunity to take inventory of the day's events. He found that his ammunition was nearly exhausted. A participant states that with all their care in husbanding the ammunition throughout the day, it would not have held out through the last assault had it been as vigorous as the first major assault (the second of the day). There was no food in the place. The men had been so busy throughout the day they had forgot to be hungry or thirsty, but now that the excitement had subsided the lack of food and water began to be felt. What had been left of the water saved from the first attack was practically all consumed. The losses of the Texians in man power were surprisingly small. Captain Bradford states that "we lost during this day 14 killed, 13 taken prisoners, 3 wounded."<sup>58</sup> Most other accounts state that no Texians were killed and only three wounded. However, it would now appear that Lieutenant Oliver Smith and Sergeant William Wallace were killed in the fighting, and James Murphy and John B. Rodgers were killed while trying to get to Goliad with messages after the battle began; that Thomas G. Weeks, of Mississippi, was mortally wounded. Three members of Bullock's company were severely wounded. One of these was Anderson Ray. Of the colonists, Abraham H. Osborne was badly wounded.<sup>59</sup>

Both Fannin and Ward had sent several messengers to the other. Humphries and Perry got through to Goliad with messages from Ward, but until midnight of the 14th Ward had received no word from Fannin, as all messengers from Goliad had been captured or killed. Ward was perplexed as to what course he should pursue, not knowing what action Fannin might be taking.

After supper (for the Mexicans—the Texians having none) the enemy started up an intermittent artillery bombardment and sent up small attacking parties, for the apparent purpose of harassing the Texians and permitting them no rest during the night.

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<sup>57</sup> Ford, *Fall of Refugio*, op. cit.

<sup>58</sup> Bradford, *Account, Frankfort Commonwealth*, June 8, 1836, copied from *Kentucky Gazette*.

<sup>59</sup> Davenport, *The Men of Goliad*, 43 Q. 29-31.



About 11 o'clock the colonist, Edward Perry, arrived at the mission with a dispatch from Colonel Fannin. He reported that he had been captured by the Mexicans and the message had been read by a superior officer, but that he had been permitted to deliver it to Colonel Ward.<sup>60</sup> The dispatch advised Ward that orders of General Houston had been received to abandon Goliad. It was generally understood that Urrea was the Mexican officer who had opened the dispatch. Colonel Garay states, "A little past midnight one of our outposts remitted to us a prisoner, whom they then believed to belong to the party which had been dislodged from the wood [King]. He was not, though, but a courier from La Bahia, who was trying to introduce himself into the church. This having been learned from questioning him, he produced a letter directed by Colonel Fannin to the so-called Colonel Ward, commanding him, the moment that he should receive it, to prepare to evacuate the position which he then held, regardless of sacrifices he might be compelled to make and the difficulties to be overcome, directing himself without delay to Fort Defiance (so he called La Bahia), where he would expect him without fail on the following day, Colonel Garay esteeming it convenient that Ward should receive this communication, permitted the prisoner to deliver it, without letting him know that he understood its contents, and did so without consulting General Urrea."<sup>61</sup>

When Perry delivered the message, the mission was in total darkness, for obvious reasons. The night was dark, no star was to be seen, and a light norther and drizzling rain had begun. In order to read the dispatch Ward was compelled to strike up a light, whereupon the enemy, who had advanced his artillery to within 60 yards of the church in anticipation of the occurrence, began firing grapeshot into the edifice. The shot scattered over the room, but no one was injured. Ward extinguished the light and called up the men and advised them of the contents of Fannin's message and announced his intention to obey same. He stated that any who did not care to hazard getting through the Mexican lines would be permitted to remain. The men responded, "We will all go."

Perry, who knew the lay of the land, advised Colonel Ward to move out silently and march down the Mission river some distance and make a detour to the left and head for the San Antonio river. Perry offered to guide the battalion via the detour back to Goliad. Ward at first demurred and stated that his order required him to

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<sup>60</sup> Brown, *Account, Lamar Papers*, II, 10-12.

Ford, *The Fall of Refugio, San Antonio SW. Express*.

<sup>61</sup> Garay, *Account, Filisola's Memorias*, II, 410-414, (Translated by Harbert Davenport).



go back directly by the road. Perry assured Ward that the direct route would be impossible, as the whole of the Mexican army would be stationed on it.<sup>62</sup> Ward finally took Perry's advice. Perry did not accompany Ward. There is a conflict of opinion regarding his actions. Some opinions are that he was requested to act as guide but declined because he did not want to be "like old dog Tray and be caught in bad company."<sup>63</sup> Others are that Perry offered his services but that Ward declined them as he was not certain of Perry's fidelity.

Ward acted with his usual promptness and efficiency and within an hour was ready to evacuate the fort, which he had so valiantly defended against such great odds. It was impossible to take along the wounded men. Ward proposed that someone ought to remain and attend the wants of their stricken comrades. Samuel Wood and William K. Simpson volunteered for this risky undertaking and remained with the wounded.<sup>64</sup>

The parting of the troops who were able to leave from their wounded comrades was heartrending. Foote states,

These men were left in the church;—their companions being unprovided with the means of taking them along. "We parted with tears and sobs," says our informant, who was one of the band, and who wept and sobbed again, before he had finished the tale. "... The poor wounded boys now begged as a last favour of their companions, to fill their gourds with water before leaving them. The Mexicans had posted a strong guard at the spring [come 400 yards distant] but the appeal of their stricken brothers was not to be resisted, and they marched in a body, determined to reach the fountain or perish in the attempt. After exchanging a volley, the Mexicans left them in possession of the spring; each then filled his gourd and returned unhurt to their companions. Four of the Mexican guard had fallen at the spring; they brought also the blankets of the foes they had slain, and in these they wrapped their dying comrades, and bid them farewell for ever."<sup>65</sup>

A short while before Ward had left the mission, Perry Davis, one of Bradford's men who had been with King, managed to get through the Mexican outposts and came into the mission.<sup>66</sup>

Colonel Ward and his gallant men then marched out into the

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<sup>62</sup> Ford, *Fall of Refugio*, *San Antonio SW Express*, Nov. 13, 1889.

<sup>63</sup> Ford, *op. cit.*

Davenport, *The Men of Goliad*, 43 Q. 29-30.

<sup>64</sup> Sabina Brown.

<sup>65</sup> Foote, *Texas and the Texans*, II, 252 (note).

<sup>66</sup> Davis, *Affidavit*, April 6, 1837, Comptrollers Military Service Records, State Archives.

Andrews, *Account, Lamar Papers*, IV, pt. 2, 239-240.

night, heeding Perry's advice, keeping within the protection of the river bottom until they had reached Melon Creek. Here they followed the creek for some distance, and at the old mesquite log bridge on the Copano road found the foot prints of King's men, who had reached that point some hours before. Having thus located themselves, Ward's men cut across the prairies in a circuitous route, keeping to the woods and swamps, where the enemy cavalry could not pursue, until the third day, when they encamped on the San Antonio river, below Fagan's ranch.<sup>67</sup>

On the morning of the 15th at dawn, when General Urrea approached the mission, he noticed the absence of the Texians and ordered the place to be occupied. He states that he found six wounded men, four others, some colonist families, and several Mexicans "who had been commandeered."<sup>68</sup>

"When the Texians marched out they left the Mexican prisoners in the church. One of them was named Cobian. He was an influential man among his people. With his knowledge and, no doubt, his consent, the ladies placed Osborne on a mattress and covered him with another, throwing some things on top. Cobian met two Mexican officers who had charge of the detachment sent to take possession of the church and begged them to prevent the soldiers from harming the women and children. They assented; Cobian accompanied them. He and the officers stationed themselves near the colonist families and did not permit the soldiers to molest them.

"When the measured tread of the soldiery was heard the colonists cuddled closer to one another and shuddered with apprehension. Infuriated by the tremendous losses they had sustained the day before, the soldiers rushed upon the wounded Texian soldiers and their care-takers and bayoneted them with brutal cruelty." Henry Scott relates, "The scene was harassing; the muttered curses of vengeance against the '*diablos Tejanos*'; the groans of the dying, the fears that they might discover Mr. Ayers' brother-in-law Osborne and kill him in the presence of his wife and children; made a wonderful impression upon my boyish brain. The horrors and anguish of that night stand out in bold relief as vivid realities to this moment. I imagine I see and feel them now."

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<sup>67</sup> Hardaway, *Account*, Foote, II, 255, from Macon (Ga.) *Messenger*.

Andrews, *Account*, Lamar Papers, IV, pt. 2, 239-240. This account states that after Perry delivered the message, one of King's men managed to get back into the mission. Ward's men left the mission through one of the windows. He says they marched between two of the fires unmolested by the foe and headed for Victoria.

Brown, *Account*, Lamar Papers, II, 10-12. Says took a NE course for Victoria, and marched across the prairie without a guide. Formed five deep. At daylight were only 8 miles from Mission. For two days had nothing to eat. On 3d day killed cattle near the San Antonio river.

<sup>68</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 220.

Mrs. Scott and three grown ladies managed to carry the two mattresses, between which Osborne was concealed, to the home of John Scott, one of the few houses left standing near the mission. Cobian and the two Mexican officers (who pretended ignorance of the contents of the load) accompanied them. The officers placed a guard at the house with orders to allow no soldiers to enter. By request of Mrs. Ayers (or Mrs. Osborne) Cobian went to General Urrea and asked him to call upon these ladies. The general and Cobian returned together. Mrs. Osborne met them at the door and fell at the general's feet, saying she had a favor to ask of him.

"What is it, madam?"

"My husband is in this house—I fear he is wounded mortally. I beg you to save him from the fury of your soldiers." The general asked where the husband was, and Mrs. Osborne conducted him and Cobian to the room where Osborne was lying. General Urrea requested to see the wounds. Mrs. Osborne turned down the cover and exposed the wounds. An ounce ball had entered near one nipple and passed out near the spine. The Mexican general sent his surgeon to attend Osborne. The surgeon cared for him until Urrea's army had left for Goliad.

All of the colonists, men and women, who were in the mission were spared from death, with the exception of Antonio Sayle, who it will be remembered had shot the *ranchero* Rios, during the battle. The Mexican prisoners had witnessed this act of Sayle's and reported it to General Urrea. Cobian does not appear to have interceded for him, but Colonel J. J. Holzinger, one of Urrea's officer's did, as Sayle seems to have been of German extraction.

Colonel Holzinger tried to offset the representations of the local Mexicans with the argument that Sayle was a good gunsmith and his services were badly needed by the Mexican army. The influence of the local Mexicans prevailed and Sayle was taken out and shot. Henry Scott says, "In passing through the outskirts of town several days after, I found a body much decomposed and we thought it might have been Silers."<sup>69</sup>

We left Captain King at nightfall of the 14th in the timber mott on the south side of Mission river about a mile below the mission. The enemy had broken off the engagement and retired, although Colonel Garay would have us believe that he dislodged King from the woods and compelled the Texians to retire. Lewis Ayers relates—

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<sup>69</sup> Ford, *The Fall of Refugio*, in *San Antonio (SW) Express*, Nov. 13, 1889.

"When night came on it was very dark, not a star to be seen. We crossed the river at the battle ground, where it was not considered fordable. The water reached my chin. There was a ford just above and one just below us, but we expected the enemy would guard them. The banks were so steep that we had to assist each other in the ascent. The wounded accompanied us with much pain."<sup>70</sup>

The place of the crossing is identified by old time residents as being the Norton water hole in the Corn Bend of the Mission river, which answers the description of the locality as given by Ayers.<sup>71</sup>

Ayers continues—

"We wandered about all night endeavoring to reach Goliad, but when day dawned on the 14th [15th] we found ourselves only about three miles from the mission, having lost our way. We hurried on about two miles further, when we were attacked by a party of Mexicans, and were compelled to surrender, our guns being most of them wet and having no chance to retreat."<sup>72</sup>

It would appear that King retreated down the river to the junction of Melon (Malone) creek and then followed the creek up to its source, which was at or near the *hacienda* or ranch house of John Malone. It was at this ranch the Texians were captured by the *rancheros* of Captain Carlos de la Garza. Some accounts state that King's force put up a show of resistance when the *rancheros* appeared and that men were killed on both sides. However, the Texians had practically all of their powder wetted in crossing the river and were defenseless.<sup>73</sup>

The local Mexican *rancheros* had given Urrea valuable and indefatigable cooperation from the time he reached San Patricio. Don Juan Antonio de los Santos' squadron was operating in the vicinity of Goliad; Captain de la Garza's scoured the territory between the Mission and San Antonio rivers; and the Moyas were operating somewhere in the general area. Anticipating the retreats of Ward and King, Urrea and Garay had these "bands of armed residents of the neighborhood," on the alert to keep the Texians under surveillance and cut off and kill or capture small parties.<sup>74</sup> Garay states that 36 Texians were captured of the King party. The

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<sup>70</sup> Ayers, *Account*, 9 Q. 272, et seq.

<sup>71</sup> Shelley, et al. *Affidavit as to Mitchell Title*, June 27, 1941. Recorded in Refugio Deed Records.

<sup>72</sup> Ayers, *Account*, 9 Q. 274.

<sup>73</sup> Barnard, *Journal*, 15.

<sup>74</sup> Garay, *Account*, in Filisola's *Memorias*, II, 410-414, (Translated by Harbert Davenport). Davenport, *The Men of Goliad*, 43 Q. i, et seq.  
Urrea, *Diario*, Castaneda, *Mexican Side*, 220.



*rancheros* kept up a relentless man hunt all the way to Victoria and were continually picking up and sending in small parties of stragglers from Ward's command. In his entry for the 15th Urrea states that on that date his cavalry killed 16 and took 31 prisoners. It appears that several of King's men escaped and got back safely to Goliad. Ayers states that six deserted when King's fight first commenced. Another account states that one of King's men managed to get back to the mission a few minutes before Ward evacuated it.

After their capture at Malone's rancho, the Texians were tied together by pairs and connected together by a single rope and marched to the mission of Refugio, where in due time they arrived. After a short wait they were ordered out for execution and were marched to a point in the prairie about a mile north of the mission, where a firing squad was drawn up to receive them. A total of 33 prisoners were gathered at the fatal place. Some were stragglers from Ward's battalion, who had been picked up singly or in small groups by the *rancheros*. Lewis Ayers was among the prisoners.

While on the long march to the place of execution, Colonel J. J. Holzinger chanced to ride up and overhear some of the prisoners conversing in German and exchanging reminiscences of the land of their birth. This was too much for the splendid German officer. When the men had been drawn up to meet the lethal charges and the executioners had loaded and were preparing to deliver their fatal volley, Holzinger intervened, and ordered the prisoners and their would-be executioners to return to the mission. Holzinger went to Urrea and obtained the release of his countrymen. The cruel purposes having lapsed for the moment, the remaining prisoners were held at the mission until the next day. Ayers says, "Our treatment during the next twenty-four hours was most brutal and barbarous." He continues,

"I had not asked for, neither did I expect any mercy at the hands of the enemy. My wife, however [who was enciente and well along] with four children presented herself to General Urrea and excited his sympathy by their tears. She was aided by some Mexican officers who were opposed to the barbarous course pursued of murdering prisoners, and the General agreed to save my life, which was done, and I was given in some degree my liberty, after receiving a severe lecture on account of my hostility to Mexico, and charging me to behave better in the future and let politics alone—I merely bowed and said nothing."<sup>75</sup>

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<sup>75</sup> Ayers, *Account*, 9 Q. 274.

Other accounts state that Ayers gave the Masonic sign of distress, which was recognized by General Urrea.<sup>76</sup>

Urrea and his army, excepting the detachment sent to El Copano, and towards Goliad, spent the whole of the 15th and part of the 16th of March at Refugio, licking their wounds. The true total of the casualties suffered probably never will be known, the Texian estimates being too high and the Mexican statements too low. Urrea admits loss on the 14th of only 11 killed and 27 infantry and 10 dragoons wounded, including three officers. Garay admits the loss of three killed and ten wounded in his last round with King alone. The Texian estimates place the Mexican losses from 50 to 300 killed and hundreds more wounded. Filisola taunted Urrea with the loss of 565 men at Refugio and Goliad, "Where are the other 565 men who are wanting to make up the 1,165 men of his division?"<sup>77</sup> According to old-time residents of Refugio, "The Mexican dead were so many that all could not be buried. Some were buried around the mission grounds, but most of the bodies were dumped into the river and became a feast for the alligators which infested it some miles below town."<sup>78</sup> The burial places of some of Urrea's soldiers were located by Father Oberste and Frank Low in 1935.

Urrea established a hospital and supply depot at Refugio, in charge of Colonel Rafael de la Vara. His diary entry for the 16th states:

"Leaving the wounded and the baggage under the care of Col. Rafael de la Vara, and instructing him to keep watch on the port of Copano, for which purpose I left the necessary guard, I marched with 200 men, infantry and cavalry, to Goliad, sending out scouts to reconnoiter the road to the town. The parties dispatched to pursue the enemy captured fourteen. A messenger of Fannin was intercepted and we learned beyond all doubt that the enemy intended to abandon the fort at Goliad and concentrate its force at Victoria; that they only awaited the 200 men that had been sent to Refugio to execute this operation. . . . I halted that night at San Nicolás [Lake].

"The many hardships endured by my division, and the rigor of the climate that was felt particularly by the troops accustomed to one more mild, made my position extremely difficult because of the necessity of properly guarding the adventurers that I had taken prisoners. I constantly heard complaints, and I perceived the vexation of my troops. I received petitions from

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<sup>76</sup> Ayers, *Lewis Ayers*, 9 Q. 269.

<sup>77</sup> Filisola, *Representacion. Castaneda Mexican Side*, 197.

<sup>78</sup> Philip Power, *Memoirs. Rea, Memoirs*.

officers asking me to comply with the orders of the general-in-chief and those of the supreme government regarding prisoners. These complaints were more loud on this day, because, as our position was not improved, I found myself threatened from El Copano, Goliad and Victoria. I was obliged to move with rapidity in order to save my division and destroy the forces that threatened us. Ward had escaped with 200 men; the infantry was very poor and found itself much affected by the climate. I was unable, therefore, to carry out the good intentions dictated by my feelings, and I was overcome by the difficult circumstances that surrounded me. *I authorized the execution, after my departure from camp, of thirty adventurers taken prisoner during the previous engagements, setting free those who were colonists or Mexicans.*"<sup>79</sup>

When Urrea's orders were received at Refugio, the prisoners, less Ayers and the Germans, plus a few new arrivals, bringing the total to 32, were again marched out on the Bexar-Goliad Road, on the 16th of March, and shot down in cold blood. E. N. Hill relates: "Captain King and his command (with the exception of one man) were marched out upon the road to Bexar, about one mile from the church, where they were ordered to face about and kneel. They were about to comply, when one of the men called out: 'Boys! We are about to be murdered! Let us face the cowards, and die on our feet!' They refused to turn, and were shot down as they stood, and to make sure, each one afterwards had a lance run through his body. The writer stood in the window of the church, to see the men start for Bexar, and was a witness of the whole scene, at a distance of about a mile."<sup>80</sup> Ayers adds, "The rest of our party was barbarously shot, stripped naked and left on the prairie one mile from the mission."<sup>81</sup>

In a letter to his wife, a Mexican officer, after giving an account of the battle of Refugio, and losses on both sides, stated that about 30 of "the enemy fell into our hands, as also some others whom we found in the church," and goes on to say: "But what an awful scene did the field present when these prisoners were executed and fell dead in heaps; and what spectator could view it without horror! They were all young, the oldest not more than 30; and of fine florid complexions. When these unfortunate youths were brought to the place of death, their lamentations and the appeals which they uttered

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<sup>79</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 221-222. See Filisola's comments, id. 188-189.

<sup>80</sup> Hill, *Account*, *Texas Almanac*, 1860.

<sup>81</sup> Ayers, *Account*, 9 Q. 274-275.

to heaven, in their own language, with extended arms, kneeling, or prostrate on the ground, were such as might have caused the very stones to cry out with compassion. (They were taken one league from the town and shot.)”<sup>82</sup>

King’s men lay on the prairie, their bones bleaching, until long after the revolution, when John Hynes got up a party and loaded the bones in carts and decently buried them. One grave containing the bones of sixteen men was discovered in 1934, in Mount Calvary Cemetery.<sup>83</sup> The grave containing the bones of the remaining sixteen victims has not been found, but Walter Billingsley states that it is located in the hackberry mott back of the cemetery.<sup>84</sup>

Judge W. L. Rea says, “It seems that after King and his men were shot their corpses were left lying where they had fallen on the prairie north of the mission. The Mexicans did not trouble themselves to bury them and hardly any of the citizens remained at Refugio. Sometime afterwards — perhaps some years — the citizens who had returned, decided that the bones ought to be decently buried. John Hynes, then a young man, took a party of citizens and an ox-cart to the place where the bones were, and gathered up what was left, including all relics, and hauled them to the Catholic cemetery, where all bones were buried in a single grave. I have heard it said that there were two graves, about half of the bones being deposited in each, but I did not hear this from Judge Hynes or Judge Ryals. . . . Hynes and Ryals minutely described to me the place where they found the bones. It was east of and near where the old Jerry Reilly home is, that is, in Sunshine Addition, Block Four. There was little or no bluff at that point at the time of the massacre. King and his men were marched to a hill northwest of the swale and were shot there. There used to be a gully fifty years ago where the Saxet blow-out is (Block Three, Sunshine Addition). The King men were shot in the open prairie. That is where Judge Hynes said he found the bones.”<sup>85</sup>

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<sup>82</sup> Anonymous, Mexican Officer, copied from *New Orleans Bee* by Frankfort (Ky.) Commonwealth, June 6, 1836. Huson, *Reporting Texas*, 37.

<sup>83</sup> *Refugio Timely Remarks*, June 1, 15, 22, 1934.

<sup>84</sup> Statement to Author.

<sup>85</sup> Rea, *Memoirs*.

NOTE: Since the text was written, Harbert Davenport presented the author with a complete collection of eye-witness accounts regarding the activities of King and Ward at Refugio, which comprises most authorities cited in support of the text, and many others which were overlooked by, or were not available to, the author. The additional accounts do not materially change the facts as given in this chapter, but do furnish numerous interesting details not included. The collection is bound and entitled, *Davenport, King and Ward at Refugio*. The contents are listed in the Bibliography, *post*.



## CHAPTER XVI

### EVACUATION OF GOLIAD

NOTE: This chapter is a reproduction of a tactical lecture entitled *Colonel Fannin's Execution of General Houston's Orders to Evacuate Goliad*, delivered by the author at the battlefields in and around Goliad, on April 4, 1943, to the officers of the 21st Battalion, Texas Defense Guard, with exception of Part One, which has been edited to eliminate duplicitous matter, and Part Three, which is new matter, to furnish local color.

#### PART ONE



IN 1836 there was no town or community between those along the Rio Grande River and a line traced from Bexar to San Patricio, thence down the Nueces River to its source. In the intermediate area there was an occasional ranch or hacienda, but generally the country was wild and waterless and infested by Indians — “a trackless waste,” as some Mexican officers describe it. The principal and practically the only port nearest the Nueces and the capital town of Bexar was the landing place known as El Copano at the head of Copano (or as it was then known Aranzazu) Bay.

Bexar, the modern San Antonio, has been favored by military men since the earliest times as a strategic military base, both for offensive and defensive operations. The site of La Bahia was selected in 1749 by General Jose de Escandon as one of the best military positions intermediate between Bexar and her nearest port, and, accordingly, a presidio was established here. The arc of Bexar, Goliad and Copano was considered from 1749 to 1846 as a military line of primary importance, and one to be taken or defended at all costs. The three points were often referred to as the “Keys to Texas,” because those who held the three contemporaneously dominated or were in a position to dominate Texas. The primary importance of these points has now passed with the opening of the port of Corpus Christi and the creation of a network of rail and highway lines between San Antonio and the Rio Grande. However, there is no reason why the old arc of San Antonio, Goliad, and Copano might not again become an important military line, if the line pivoted on Corpus Christi should be broken by attack from the south.

The emphasis on the strategic importance of Goliad is made in fairness to Colonel Fannin, who had been ordered originally to hold Goliad at all costs and whose first order to the contrary was General

Houston's order of March 12, 1836, which forms the basis for the discourse which follows. Fannin understood the military importance of Goliad and, therefore, was reluctant to abandon it.

Although a military position may be strong and defensible under one certain condition, it may become vulnerable and a trap with a change of those conditions. Such was the case with Goliad. Prior to the Fall of the Alamo, the Texian army held all three of the Keys of Texas, and Goliad was an important and defensible position. With the fall of the Alamo, the right flank of the Goliad position became exposed. With the fall of Refugio-Copano, the left flank became exposed. With no relief to be hoped for, the logical expected result was the envelopment and isolation of Goliad, with its consequent siege and surrender.

General Sam Houston, from his headquarters at Gonzales, wrote on March 11, 1836, to Colonel Fannin, at Goliad, notifying him that he, Houston, had that afternoon received information "that the Alamo was attacked on Sunday morning (March 6) at the dawn of day, by about 2,300 men, and carried a short time before sunrise, with a loss of 521 Mexicans killed, and as many wounded," and gave some of the details as they had been given to him, including the information that Santa Anna was expecting a reinforcement of 1500 men. The commander-in-chief concluded, "I have little doubt but that the Alamo has fallen — whether the above particulars are all true may be questionable. You are therefore referred to the enclosed order."<sup>1</sup>

The order referred to in the letter read as follows:

Headquarters, Gonzales, March 11, 1836.

SIR: You will, as soon as practicable after the receipt of this order, fall back upon Guadalupe Victoria with your command, and such artillery as can be brought with expedition. The remainder will be sunk in the river. You will take the necessary measures for the defense of Victoria, and forward one-third the number of your effective men to this place, and remain in command until further orders.

Every facility is to be afforded to women and children who may be desirous of leaving that place. Previous to abandoning Goliad, you will take the necessary measures to blow up that fortress; and do so before leaving its vicinity. The immediate advance of the enemy may be confidently expected as well as a

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<sup>1</sup> Yoakum, *History of Texas*, II, 471-472; Williams, *Writings of Sam Houston*, I, 362, 364.

rise of water. Prompt movements are therefore highly important.

SAM HOUSTON

Commander-in-Chief of the Army.<sup>2</sup>

The foregoing letter and order were written at Gonzales between the afternoon and the midnight of March 11,<sup>3</sup> and were entrusted for delivery to Captain Francis J. Dusanque, a capable and reliable officer. Thirty hours was the time required for the transmission of this express (Goliad to Gonzales being by the usual route about 100 miles in distance).<sup>4</sup> That General Houston considered the order of transcendent importance is indicated by the fact that he committed its delivery to an officer of rank instead of an ordinary courier. Captain Dusanque delivered the message to Colonel Fannin,<sup>4</sup> but the *time* of its delivery has been a matter of considerable dispute. Yoakum, Johnson, Bancroft, Davenport, and Wortham, on the authority of Captain Shackelford, who wrote from memory, give the date of delivery as the morning of the 14th,<sup>5</sup> while Brown, Duval, Captain Holland, Dr. Barnard, Abel Morgan, Ehrenberg, and others state that Fannin received the order on the afternoon of the 13th,<sup>6</sup> which would have been on schedule time. Duval states that before Ward had been sent to Refugio it was rumored that the order to evacuate Goliad had been received and that "at any rate Colonel Fannin showed no disposition to obey the order, if he received it — on the contrary — he dispatched Major Ward with the Georgia Battalion . . . to King's assistance," and Abel Morgan states, "Fannin said he would take the liberty to disobey the order and risk a battle."

If Fannin *did* dispatch Ward and the *Georgia* Battalion to Refugio *after* receiving General Houston's order, then he was *prima facie* guilty of a gross military fault. However, we will give the brave and chivalrous Fannin the benefit of the doubt, for the purpose of our discussion, and assume that he did not receive the order until the morning of the 14th, and that General Houston or Captain Dusanque was responsible for delay in delivery within the time of the usual schedule.

The total enrolled or paper strength of Fannin's regiment on the morning of March 14, 1836, was about 502 officers and men, not

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<sup>2</sup> Yoakum, II, 472; Williams, I, 365.

<sup>3</sup> Smith, J. W. Fannin, Jr., in *the Texas Revolution*, 23 Q 276.

<sup>4</sup> Smith, 23 Q 276.

<sup>5</sup> Yoakum II, 87; *Shackelford's Account* in Foote, *Texas and the Texans*, II, 229; Johnson, *Texas and Texans*, I, 428; Bancroft, *North Mexican States and Texas*, II, 226; Davenport, *The Men of Goliad*, 43 Q 24; Wortham, *History of Texas*, III, 239; Field, *Three Years in Texas* has no comment.

<sup>6</sup> Brown, *History of Texas*, I, 488; Duval, *Early Times in Texas*, 37; Holland, *Account in Frankfort Commonwealth*, June 1, 1836, Huson, *Reporting Texas*, 25-33; Barnard, *Journal*, 13-14, also Linn, *Reminiscences of Fifty Years in Texas* 150; Morgan, *Account of Battle of Coleto*, MS; Bartholomae, *Ehrenberg*, 145-149; See also Kennedy, *Texas*, 565.

William L. Hunter says Fannin received two dispatches, Lamar, V, 376.

including the Refugio Militia, nor the individual scouts, spies, or unattached individuals who might have been at Goliad, such as Captain Dusanque.<sup>7</sup>

So as to keep the record clear as to strength and organizations of the command, it might be stated that at the time the regiment was originally formed there was a small artillery company composed of Mexicans who had been in the Mexican regular service but had gone over to General Mexia, a revolutionist, at the Panuco, in Mexico, in November, 1835. When Mexia's expedition was defeated, the general kindly took these deserters back to Texas with him to save them from a firing squad. The company was commanded by Captain Luis Guerra. A few days before March 14th, Guerra had advised Fannin that his men did not want to fight against their countrymen, but desired to leave the country and take no part in the war. Fannin generously agreed to their departure and Guerra and his men left Goliad,<sup>8</sup> but went over to Urrea's army at San Patricio and were in the enemy ranks at the Battles of Refugio.

Santa Anna, who had determined that Mexico should not lose Texas, was indefatigable in his efforts to reconquer that apparently lost province. Mexico was bankrupt, and Santa Anna raised the necessary finances for the campaign upon his own personal credit. Despite internal discord, he succeeded in raising an army of about 8,000 men for the invasion and won over a number of his political opponents, among them General Jose Urrea, to whom he gave command of the Mexican army division with which we will have to do in this discourse.

With most of the army and its equipment, Santa Anna marched to Saltillo, where he was joined by General Urrea and a contingent of Durango troops (Urrea being then governor of Durango). Here Santa Anna laid the plans for his reconquest of Texas. Without discussing the various plans proposed, he adopted the following one: Urrea was to take a body of troops to Matamoros, at which he would find other troops; and there organize his own division. The mission assigned to him was to march overland up the coastal route, via San Patricio, Refugio, and Goliad, with the object to gaining and holding these points and the port of El Copano, thereby cutting off the Texians at Bexar and Central Texas with communications and supplies by sea. These points he would convert into bases for the Mexican army as it proceeded farther into the heart of Texas. Having

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<sup>7</sup> Davenport, *The Men of Goliad*, 43 Q 28-38; Barnard, 14-15.

<sup>8</sup> Davenport, *id.* As to Guerra's death at Refugio, see Huson, *Refugio*, MS.



secured these strategic points, Urrea was then to continue his march eastward, via Victoria and Texana to Brazoria, for the same purpose of depriving the Texans of access to the sea and providing the Mexican armies with further bases deeper into the enemy territory.

The main army under Santa Anna was to move upon Bexar, which was to be used as the principal interior base of operations and from which the main army was to fan out, Gaona with one division proceeding eastward via Bastrop with Nacogdoches as his ultimate objective; while contemporaneously with Gaona and Urrea, Santa Anna moved eastward with a central column, from which the outside columns could be reinforced in case of necessity. The movement of the three columns was to be kept coordinated until the Brazos had been reached. By that time reinforcements and additional supplies were expected through the new bases which Urrea was to open along the line of his march; and from the Brazos the three columns would strike out for the Sabine, with Galveston as the principal base and depot. The columns were to be supplied and reinforced from the sea as they advanced, first through El Copano, next through Velasco, and finally from Galveston Island. Arrangements were made for the new troops, and additional supplies to be at these ports on fixed schedule and timed to keep up with the moving columns.

Urrea arrived at Matamoros on February 1, 1836, the same day that Fannin landed at El Copano. He organized his division and crossed the Rio Grande into Texas on February 17 and headed for San Patricio. Santa Anna's main army crossed the Rio Grande in two sections on or about February 12, one section crossing at San Juan Bautista and the other at or below Laredo. The two sections converged before reaching Bexar. Santa Anna's main army marshalled about 6,500 officers and men and a tremendous baggage train.<sup>9</sup>

Urrea's division was composed of about 1,000 infantry and 500 cavalry when its organization was completed at Matamoros. In addition thereto a sufficient body of presidial troops or militia remained at Matamoros to protect that place. Urrea in his *Diario* states that he invaded Texas with only 350 troops and that the remainder of his division, which did not join him until March 7, consisted of only 200 men, so that his entire division had a strength of only 550 men (320 infantry from Yucatan and "other places" and

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<sup>9</sup> For plans of Mexican armies, see Filisola's *Memorias de la Guerra de Tejas*; Valades, *Santa Anna y la Guerra de Texas*; Urrea, *Diario*; Garay, *Diario*; Castaneda, *Mexican Side of the Texas Revolution*; Williams, *A Study of the Siege of the Alamo*, 37 Q 8-9, and authorities cited; Reyes, *Historia de la Ejercito Mexicana*.

230 dragoons from Cuatla, Tampico, Durango and Guanajuato) and 1 piece of artillery, a 4-pounder.<sup>10</sup>

As the eminent and careful historian Bancroft points out the Mexicans consistently underestimated their strengths and losses, while the Texians on the other hand were prone to overestimate enemy strengths and losses, so that it is difficult to form a fair estimate of the true facts in such connections. It is the purpose of this discourse to be as fair and conservative as possible in presentation of facts and figures on both sides; otherwise this presentation would be of little value or aid in estimating military situations and tactical problems. *El Mosquito Mexicano*, of March 4, 1836, states the strength of Urrea's division at 1,000 infantry and 500 horse. Filisola, who was at dagger points with Urrea, gives his strength as only 601. Captain Bradford, of the Texian army, estimated Urrea's force at Refugio to have been 1,650. The lowest Texian estimate is about 1,000 and the average at about 1,150. Taking into consideration the nature of Urrea's mission, the forces which he knew he had to contend with, which aggregated about 600 Texian soldiers, the distance he had to operate from his own supply depot at Matamoros, and the prospect of attacking his enemy behind fortified positions, one would think it reasonable to suppose he would not have embarked upon his expedition with a force inadequate to the undertaking. On the other hand the initiative was with Urrea as to whether he would attack or remain static. He was prior to March 12 in a position where he was not compelled to take offensive action and if called upon to defend against a superior force, could have obtained reinforcements from Bexar or have fallen back on that point. Such being the case, it was not imperative that he have an overwhelming superiority. It should not be unfair to him or any great departure from fact to place his strength for the purpose of this discourse at 1,150 regular troops.<sup>11</sup> In addition to his *regulares*, Urrea, from the time of his capture of San Patricio, had the active and efficient assistance of two or more bands of mounted *rancheros*, indigenous to this area of the state. Practically every Texian account states that these *ranchero* squadrons were augmented by Karankawa Indians. One of these *ranchero* commands was under the able leadership of Captain Don Carlos de la Garza, of the Carlos Ranch on the San Antonio River. Another was commanded by Captain Don Guadalupe de los Santos, of the Goliad section. Still another was led by the Moyas of

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<sup>10</sup> Urrea, *Diario*, in Castaneda, *Mexican Side* 213, 217.

<sup>11</sup> Williams, *Siege of the Alamo*, op. cit.

Bradford, *Frankfort Commonwealth*, June 8, 1836; Huson, 34-35.

Bancroft, *North Mexican States and Texas*, gives estimates in line with the instant writer's.

the Goliad vicinity. The aggregate strength of these invaluable guerrilla companies, not counting any Indians who might have operated with them, was at least 200; so that when Urrea reached Refugio his actual strength could hardly have been less than 1,350 men, when these *rancheros* were considered.<sup>12</sup>

There is no trustworthy account of the Mexican losses in the three fights in and around Refugio. Part of these losses was borne by the *rancheros*, both in the night surprise and in Ward's battle at the mission. Urrea admits losses in all these engagements of only 11 killed and 37 wounded, including 1 commissioned officer. The Texian accounts, on the other hand, are greatly exaggerated, the estimates running from 200 to 400 or 500. Captain Bradford states that "the Mexicans themselves admitted" a loss of 150 killed and 192 wounded. Sabina Brown states that when the Mexican dead had been piled up they were comparable to 70 cords of wood. The Yucatan battalion undoubtedly sustained exceptional losses, and 83 less are shown on their muster at Brazoria in May over their muster at Matamoros previously. However, for the purpose of this discourse, we will lean to the ultra-conservative and place the Mexican losses at Refugio at 100 dead and 50 wounded, not including the losses to the *rancheros*.<sup>13</sup>

Based upon this estimate, Urrea on the morning of the 15th had 1,000 effective men, plus the *rancheros*. The latter did effective work during the 15th and 16th in scouring the prairies between Refugio and the San Antonio River and bringing in small groups of Texians, who had become lost, or had straggled away from their respective commands. This work Urrea seems to have intrusted solely to the *rancheros*, who knew the country like a book. As before stated, Captain de la Garza's *rancheros* found King and his men at the Malone Rancho at the head of Melon or Treviño Creek, north of Refugio, and brought them back to the mission, tied to a single rope.<sup>14</sup> Many stragglers from King's and Ward's parties were also found and picked up during the next several days.

Urrea made the following dispositions of his troops at Refugio. Shortly after his arrival on the 14th he sent a detachment to El Copano to take possession of and garrison that port. He now increased the force there to 60 of the Yucatan battalion, by sending additional soldiers there. He placed Colonel Rafael de la Vara in

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<sup>12</sup> Huson, *Refugio*, MS, which lists all authorities and accounts.

<sup>13</sup> Urrea, *Diario*, Castaneda, 220; Garay, *Diario*, in Filisola's *Memorias*. Filisola's *Memorias*, themselves. Bradford, Huson, *Reporting Texas*, 34-35. Sabina Brown, *Account*, MS, St. Edwards University. Bancroft, II, 223-224. Huson, *Refugio*, MS. for list of all authorities.

<sup>14</sup> Sabina Brown, *Statement*; Ayers, *Account*, 9 Q 272.



command of Refugio and Copano and left a small detachment at Refugio to guard the stores which he was leaving there and to attend the wounded.<sup>15</sup> A hospital was established in the mission. Most of the Mexican dead were buried in trenches near the mission; some were thrown into the river. We may assume that all detachments, including the small one at San Patricio, aggregated about 100 men, thus leaving Urrea about 900 troops with which to deal with Fannin at Goliad. By arrangement with Santa Anna a reinforcement was due to meet Urrea near Goliad on or about the 17th.

On the early morning of the 16th Urrea's army took up the line of march for Goliad, Urrea with 20 infantry and cavalry moving rapidly in advance of the rest of the army. The mounted *rancheros* rode in a screen ahead of Urrea and kept an eye out for both enemy activity and stragglers. Urrea camped the night of the 16th at the San Nicolas Ranch, near the lakes of that name.<sup>16</sup>

Santa Anna, having disposed of the garrison at the Alamo and the threat to the rear of his armies, dispatched Colonel Juan Morales with 3 cannon and the battalions or regiments of Jimenez and San Luis, to assist Urrea in his operations against Fannin. Urrea had previously instructed that Morales should when he arrived in the vicinity of La Bahia take up a position on the Manahuila Creek directly north of the fort. Urrea states that this reinforcement amounted to only 500 men. However, the muster rolls for April 24 showed 273 men in the Jimenez and 394 in the San Luis, so that these units were probably considerably larger than Urrea would have us believe.<sup>17</sup> However, we will accept Urrea's low figure for the purpose of this discourse. Morales arrived near his objective on the 17th and took up his assigned position, which was about three miles north of La Bahia.<sup>18</sup> Urrea himself reached the San Antonio River early on the morning of the 17th and camped at the San Jose Rancho. Early on the morning of the 18th Urrea broke camp, passed near Goliad, which he reconnoitered, and joined forces with Colonel Morales.<sup>19</sup> By this juncture Urrea's army was increased in strength to at least 1,400 men besides the mounted *rancheros*.<sup>20</sup>

Having considered the strength and dispositions of the Mexican army, we will now consider the strength and dispositions of Colonel Fannin's command from the morning of the 14th. On the morning

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<sup>15</sup> Urrea, *Diario*, Castaneda, 221.

<sup>16</sup> Urrea, *Diario*, 222.

<sup>17</sup> Urrea, *Diario*, 222; See also Castaneda, 196. Bancroft, II, 226-227.

<sup>18</sup> Urrea, *Diario*, 222; Bancroft, II, 226-227.

<sup>19</sup> Urrea, *Diario*, Castaneda, 222.

<sup>20</sup> Bancroft, II, 227 (note) estimates Urrea's force after reinforcement at about 1,200.



of March 14, out of a total paper strength of about 502 officers and men, there were absent from and unavailable at Goliad:

*At Refugio*

Ward and the Georgia battalion,	
less 18 of Bradford's company	133
King with 23 men and 18 of Bradford's	41

*Elsewhere*

Line officers on furlough (3 captains and about 6 lieutenants)	9
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*At Goliad and Elsewhere*

Sick or absent from duty, enlisted men	16
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Total	199
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Thereby there was left a total effective strength of 302 officers and men, distributed as follows: regimental and staff officers, 12; line officers, about 13; artillery officers, 4; and 274 enlisted men.<sup>21</sup> In addition thereto was Captain Dusanque, who had brought General Houston's order and remained with Fannin to the end, and Captain Fraser with from 4 to 8 Refugio Militiamen. By the 16th Colonel Horton and about 31 horsemen arrived at Goliad to assist Fannin in the retreat. This number brought up Fannin's total strength at Goliad as of the 19th to about 333 officers and men, plus a number of unattached and supernumeraries.

## PART TWO

Upon receipt of General Houston's order, Colonel Fannin on the 14th issued the following orders:

1. To Lieutenant Colonel Ward, at Refugio, ordering him to fall back immediately to Goliad; or, should he be cut off by the enemy, to make good his retreat through the Guadalupe bottom and rejoin Fannin at Victoria.

2. To Captain Samuel A. White, at Victoria, ordering him to hasten carts and wagons to Goliad, for the purpose of facilitating the withdrawal; and also ordering him to buy a supply of ammunition to be sent up the Colorado for the army.

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<sup>21</sup> The computations given were compiled from Davenport's *The Men of Goliad*, 43 Q. 29-38; Bancroft, II, 227, gives Fannin's total at 300; Shackelford, Foote, II, 234, gives not exceeding 275, not counting Horton's cavalry; Abel Morgan, frequently mentions 360 as being the strength of the remnant at Goliad, in his account, MS. Captain Holland, Huson, *Reporting Texas*, 27, says total was 250 effective men. Barnard, *Journal*, says 270 men besides Horton's, (p. 16), Urrea claims 400 men were surrendered with Fannin, *Diario*, Castaneda, 229. Field says not over 300 at Goliad, Field, *Three Years in Texas*, 31.

3. To Colonel Albert C. Horton, at Matagorda, ordering him and his cavalry to repair to Goliad as soon as possible to assist in the projected withdrawal.<sup>1</sup>

All of these orders were intercepted by the Mexicans and delivered to General Urrea.<sup>2</sup> The order to Ward was opened and read by Colonel Garay, at Refugio, who then permitted Perry, the courier, to deliver it to Colonel Ward in the mission.<sup>3</sup> Captain White never received the message directed to him and withdrew from Victoria on the 19th. Although Colonel Horton never received his orders, he nevertheless arrived at Goliad with 27 to 31 horsemen, on the 16th.<sup>4</sup> Barnard and Smith state that Horton arrived on the 14th.<sup>5</sup> Horton brought with him some draught-oxen.

On the 14th Fannin selected nine pieces of artillery, which he intended to take with him, and, on either that date or the 16th, dismounted and buried the seven cannon which he had decided to abandon.<sup>6</sup>

As has been stated, Fannin had attempted to establish contact with Colonel Ward every day from the 14th onward, but without success. All of the messages had been intercepted. On the 16th Captain Hugh M. Fraser, of the Refugio Militia, proposed to go to Refugio to investigate and did go on that perilous mission. He returned on the afternoon of the 17th with definite and accurate news of the fate of Ward and King.<sup>7</sup>

On the 17th Colonel Horton, under orders of Colonel Fannin, reconnoitered in the direction of Bexar and encountered Colonel Morales force, which was on its way to reinforce Urrea. Horton reported the approach of this force, which he estimated as numbering 1,500.<sup>8</sup>

Upon receipt of the reports of Fraser and Horton, Fannin called his officers for a council of war. The unanimous opinion was in favor of an immediate retreat, and Colonel Fannin ordered that the retreat should begin early the next morning. About this time scouts came in with reports that large enemy forces had been seen in the vicinity.<sup>9</sup> Fannin became apprehensive that the enemy would

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<sup>1</sup> Bancroft, *North Mexican States*, II, 226.

Holland, *Account*, in *Frankfort Commonwealth*, June 1, 1836.

Huson, *Reporting Texas*, 25.

(Holland will be hereafter cited in Huson, *Reporting Texas*)

<sup>2</sup> Bancroft, *op. cit.* II, 226.

<sup>3</sup> Garay, *Diario*, in Filisola's *Memorias* II, 410-414. Confirmed by all Texian accounts.

<sup>4</sup> Bancroft, *op. cit.* II, 226; Davenport, *The Men of Goliad*, 43 Q. 24; Shackelford, in Foote, *Texas and the Texans*, II, 230.

<sup>5</sup> Barnard, *Journal*, 14; Smith, *James W. Fannin, Jr.*, 23 Q 278.

<sup>6</sup> Foote, II, 229; Barnard, *Journal*, 14.

<sup>7</sup> Barnard, *Journal*, 15; Field, *Three Years in Texas*, 31.

<sup>8</sup> Barnard, *Journal*, 15; Bancroft, II, 227; Davenport, 43 Q 24.

<sup>9</sup> Barnard, *Journal*, 15.

attack that night, and the cannon which had been buried were dug up and remounted and preparations were made to receive an attack.<sup>10</sup> By his orders his troops "destroyed the whole town of La Bahia by fire, battering down all ruined walls, so as to secure a full sweep of the enemy, should they attack the fort."<sup>11</sup>

Preparations were made throughout the night for the retreat at dawn. However, when morning came, and the oxen were hitched to the wagons, carts and cannon, and the army was ready to take its departure (except for final destruction of materiel not to be taken), a party of the enemy was discovered reconnoitering in the vicinity of the fort. Colonel Horton and his little cavalry squadron sallied out of the presidio to engage them. The Mexicans fled. Horton chased them a considerable distance. The Mexicans got reinforcements and turned and chased Horton and finally got him cornered in the old mission across the river from the fort. Here Horton defended himself until the Red Rovers waded across the river, getting wet up to their arm-pits, and came to his rescue. The artillery from the fort also began firing on the enemy, who left the scene.<sup>12</sup> No one on either side was injured in these skirmishes.

All this time the oxen were left standing hitched to the cannon and vehicles, without being fed or watered. As Davenport observes, "The 18th was spent in the excitement of a series of skirmishes with the cavalry of Morales command. This wore down the Texan horses—and left the all important oxen to stand in the corrals and starve."<sup>13</sup>

At the end of this wasted, precious day Fannin was still in doubt as to what course he would pursue. He once more expected an attack, and the garrison was kept on the alert. Private Abel Morgan, of Westover's Company, who was on the first watch on the night of the 18th relates that Colonel Fannin and Captain Westover came to his post. "Colonel Fannin asked me what I thought about retreating and leaving the fort. I told him that my opinion was that it was too late; for I made no doubt from what we had seen that we were entirely surrounded by the enemy; and that we had something like six weeks provisions and men enough to keep the enemy from breaking in for some time, as we had then about 360 men. Colonel Fannin seemed to have his mind unsettled about it. Captain Westover agreed with me, and said if we had left some three or four

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<sup>10</sup> Shackelford, Foote, II, 230.

<sup>11</sup> Holland, Huson, *Reporting Texas*, 26; Ehrenberg, 151.

<sup>12</sup> Shackelford, Foote, II, 230; Abel Morgan, *Account*, 2-3; Bancroft, II, 227; Barnard, *Journal*, 15-16; Smith, *James W. Fannin, Jr.*, 23 Q. 277; Boyle, 13 Q. 286; Urrea, *Diario*, Castaneda, *Mexican Side*, 222.

<sup>13</sup> Davenport, 43 Q. 24; Smith, 23 Q. 277; Barnard, *Journal*, 16.

days before, he thought we might have escaped; but he made no doubt that we were surrounded now.”<sup>14</sup>

Fannin then called another council of war. It was decided to start the retreat that very night. “When it was dark,—and it was very dark—Captain Horton, with his company of cavalry, being sent to occupy the ford of the river, one mile from the fort, returned with information that a body of troops were on the opposite bank, and that they attempted to charge upon him. His opinion that the retreat should be delayed until morning was adopted.”<sup>15</sup> Horton expressed the opinion that it would be impracticable to keep to the road in the dark.<sup>16</sup>

When the morning of the 19th came, a dense fog overhung the area and continued until late in the forenoon. For one reason or another, the retreat got off to a late start. Morgan and others say “It took until about 9 or 10 o’clock to get breakfast and to destroy our stock of provisions.”<sup>17</sup> Ehrenberg states, “A stack of dried meat from near onto 700 steers and the remainder of our meal and corn was set on fire, the columns of smoke from which ascended to the beclouded heavens.”<sup>18</sup>

The artillery which was to be abandoned was spiked. The officers, or most of them, urged Fannin to leave all artillery and all impedimenta to a rapid march; but Fannin was obstinate on this point. “No,” said he, “my cannon must go with me; I expect a fight and I cannot do without them.”<sup>19</sup> He also insisted on taking along about 1,000 extra muskets. The nine pieces of artillery which were to be taken included one 6-inch howitzer, three short sizes, two long and two short 4s, with several small pieces for throwing musket balls.<sup>20</sup> Ehrenberg relates—“The number and size of the provision and ammunition wagons that we took with us were too large and the power to move them was too small, so that before we had gone half a mile the way was strewn with objects of all kinds, and here and there a wagon that was left standing or knocked to pieces. The rest of the baggage remained standing a mile from Goliad on the romantic banks of the San Antonio, or was dropped in haste into the clear water of the river. Chests filled with muskets, provisions or the belongings of the soldiers disappeared in the waves.”<sup>21</sup>

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<sup>14</sup> Morgan, 2-4.

<sup>15</sup> Field, *Three Years in Texas*, 31-32.

<sup>16</sup> Davenport, 43 Q 24.

<sup>17</sup> Morgan, 4. Boyle, 13 Q. 287.

<sup>18</sup> Bartholomae, *Ehrenberg*, 151.

<sup>19</sup> Kenedy, *Texas*, 567.

<sup>20</sup> Holland, *Huson, Reporting Texas*, 26.

<sup>21</sup> Bartholomae, *Ehrenberg*, 151.



"The motive power" referred to was in the main draught-oxen, with a few horses. Most accounts relate that "the tired and hungry oxen were unmanageable,"<sup>22</sup> some of which escaped and had to be run down. Dr. Field gives an interesting slant on these oxen. He states—"Our cannon, baggage and sick, were drawn by Mexican oxen, in Mexican carts. Not being well broke, nor understanding the language and manners of English drivers, many of them as they issued from the fort, run furiously into the prairie, and were unmanageable. Others would go no way but backwards."<sup>23</sup>

Early in the morning of the 19th Colonel Horton and his cavalry were sent to reconnoiter the lower ford of the San Antonio River, which was about a mile below the fort. Fannin had the choice of two fords, the roads across each of which came into the same highway to Victoria. The upper ford was at the town of La Bahia, the lower ford being as described. It was felt that the lower ford offered the best opportunity of getting away unobserved. The dense fog favored the movement. Colonel Horton reported that all was clear at the lower ford,<sup>24</sup> and the evacuation of the fort finally began about 9 o'clock A. M. Horton was directed to take up a position to protect the passage at the ford.<sup>25</sup>

It may be mentioned here, as Davenport so aptly points out, that with all of the solicitude for taking a large train of artillery, many wagons loaded with 1,000 muskets and quantities of baggage, that all of the ammunition was loaded into a single cart and that the Texans "*forgot to bring along anything they could eat*,"<sup>26</sup> although Boyle tells us that the previous day had been spent in baking large quantities of bread and orders had been issued to take rations of bread and dried beef sufficient for several days.<sup>27</sup> It would seem, however, that the men carried individual rations for at least one meal, as most accounts agree that they ate dinner on the march, and one account says they ate breakfast after they had left Goliad.

Before the army left Goliad, the fort was dismantled and the buildings burned. If the whole of the town of La Bahia had not been burned two days before, the remainder was fired now, as Ehrenberg says the town was still burning when the Texans left<sup>28</sup> and Urrea says it was burning when Garay took possession. Urrea

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<sup>22</sup> Davenport, 43 Q. 24; Morgan 4.

<sup>23</sup> Field, *Three Years in Texas*, 32.

<sup>24</sup> Bancroft, II, 227; Shackelford, Foote, II, 231; Barnard, *Journal*, 17; Johnson, I, 430.

<sup>25</sup> Barnard, *Journal*, 17.

<sup>26</sup> Davenport, 43 Q. 24.

<sup>27</sup> Boyle, 13 Q. 287.

<sup>28</sup> Bartholomae, *Ehrenberg*, 151.

asserts that combustible materials had been left to prolong the fire and that very few houses were saved.<sup>29</sup>

Further delay occurred when the ford was reached because of the difficulty in getting the artillery across. The east bank up which the cannon must move was steep, slick, and muddy. Either the oxen could not be induced to draw the cannon up the slope, being contrary brutes; or, as Ehrenberg observes, they were too light a motive power for so great loads. The largest cannon fell into the river and had to be fished out. The entire army was held up at the ford for about an hour because of trouble with draught animals and the artillery. The Red Rovers, who were in the van, broke formation and waded into the river to help push the artillery up the steep bank. Even their captain, Dr. Shackelford, went into the water and put his own shoulder to the wheel.<sup>30</sup> To add to the troubles, one of the carts broke down and its contents had to be transferred to other vehicles. Most accounts concur that the rear guard did not cross the ford before 10 o'clock that morning.

After Colonel Horton had been ordered to post all advance, rear, right and left guards,<sup>31</sup> the army began its march in column formation, with the Red Rovers in the van and Duval's Mustangs in the rear. Colonel Fannin marched with the rear.<sup>32</sup> The wagon and artillery train was unusually large for a command of scarcely more than 300 men and stretched a considerable distance from front to rear. Colonel Horton's cavalry numbering only 31, Fannin augmented it by detailing men from the San Antonio Greys, Red Rovers, and other personnel, to serve with the cavalry, having provided them with mounts,<sup>33</sup> thus raising the cavalry security to about 40. With Horton's advance point were couriers bearing dispatches to General Houston and others, advising that the retreat was at last under way. Among the couriers was Joseph Lancaster, of the Red Rovers.\*

For some reason Fannin believed that the enemy was to his front and not to his rear.<sup>34</sup> For this reason, Colonel Horton with the bulk of the cavalry rode ahead as the advance point; and only four horsemen, one of whom was Ehrenberg, were left as the rear point.<sup>35</sup> The flank guards appear to have consisted of about two

<sup>29</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 229.

<sup>30</sup> Shackelford, Foote, II, 231; Morgan, 4; Davenport, 43 Q. 24; Johnson *Texas and Texans*, I, 430; Yoakum, *History of Texas*, II, 91.

<sup>31</sup> Holland, Huson, *Reporting Texas*, 26.

<sup>32</sup> Shackelford, Foote, II, 231.

<sup>33</sup> Bartholomae, *Ehrenberg*; Urrea, *Diario*, Castaneda, *Mexican Side*, 227; Shackelford, Foote, II, 231.

<sup>34</sup> Kenedy, *Texas*, 568.

<sup>35</sup> Barnard, *Journal*, 17; Bartholomae, *Ehrenberg*, 152.

\* Joseph Lancaster, the authors maternal grandfather.

horsemen on either flank. Captain Holland states that after the Manehuila had been crossed, Horton was ordered to remain in the rear of the column, "but neglected to remain in that position."<sup>36</sup> Most of the accounts, however, agree that Horton was frequently ordered to scout the Coletto woods to the front and left of the column and that he complied with these orders, reporting back that there was no evidence of the enemy in that area.<sup>37</sup> However, Horton's advance point appears to have kept well ahead of the column, so much so that he was out of contact at the crucial moment.

After the San Antonio river had been crossed, the column proceeded slowly along, without event, until after the Manehuila creek had been passed. About a mile past that arroyo a patch of green grass was encountered, where there had been a recent burning. Here Colonel Fannin halted the column to allow the oxen to rest and graze, and the men to take refreshment, it being now about noon.<sup>38</sup> The oxen were detached and turned out to graze. Some of the captains, among them Shackelford, Duval, and Westover, protested against the stop being made in the prairie. Dr. Shackelford states, "I remonstrated warmly against this measure, and urged the necessity of first reaching the Coletto, then about five miles distant. In this matter I was overruled, and from the ardent manner in which I urged the necessity of getting under the *protection of timber* I found the *smiles of many*, indicated a belief that at least I thought it prudent to take care of number one."<sup>39</sup> Colonel Fannin, and most of the men under him for that matter, had contempt for the Mexicans; the men actually believed the captains who protested had become scared or had lost their nerve. Fannin replied to the captains that there was no cause for alarm. "They wouldn't dare follow us!" he exclaimed.<sup>40</sup> The army remained halted at this point for about an hour.

Now, up to this time no signs of the enemy had been seen. As Dr. Barnard expresses it, "No manifestations of an attack, or even of pursuit were apparent." The Texians congratulated themselves that they had slipped out of Goliad unobserved by the Mexicans. Most of the standard historians state that Fannin stole a march on Urrea, which view would appear to be confirmed by Urrea himself,<sup>41</sup> as he indicates that he did not learn of the evacuation of

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<sup>36</sup> Holland, *Huson, Reporting Texas*, 27.

<sup>37</sup> Shackelford, Foote, II, 232.

<sup>38</sup> Barnard, *Journal*, 17; Duval, 39; Boyle, 13 Q. 287; Shackelford, Foote, II, 231; Holland, *Huson, Reporting Texas*, 27; Kenedy, *Texas*, 568; Smith, *James W. Fannin, Jr.*, 23 Q. 278.

<sup>39</sup> Shackelford, Foote, II, 231-232; Davenport, 43 Q. 24-25; Bancroft, II, 228.

<sup>40</sup> Johnson, *Texas and Texans*, I, 430; Shackelford, Foote, II, 232; Bancroft, II, 228; Davenport, 43 Q. 24; Yoakum, *History of Texas*, II, 91.

<sup>41</sup> Urrea, *Diario*; Castaneda, *Mexican Side*, 223. See also Colonel J. J. Holzinger Letter to John A. Wharton, June 5, 1836. *Lamar Papers*, I, 396-399.



the Texians until a few hours after they had left the fort. However, the truth seems to be that Urrea had been fully informed that Fannin intended to leave Goliad and fall back to Victoria, and the able Mexican general had placed scouts and spies at intervals all along the path Fannin must take, and Urrea was kept informed of the progress of the Texian army at all times. Certainly it was not Urrea's true policy to hold Fannin at Goliad and attempt to take the fort by assault. He had had experience along this line at Refugio, and Colonel Morales must have told him of Santa Anna's experience at the Alamo. The logical plan of the Mexican commander, therefore, undoubtedly was to place no obstacle in Fannin's way in getting so far away from the fort that he would be unable to return if attacked. And from Urrea's own experience with King's men at Refugio, it was undoubtedly his purpose that Fannin should be clear of the protection of timber before he was attacked. Hence, the wily Mexican general permitted Fannin to proceed unmolested to such position at which he would be unable either to return to the fort or gain the protection of timber. Urrea, having the peculiar pride of a soldier did not wish to record in his diary that he preferred not to attack Fannin entrenched behind the walls of the presidio.

After a halt of an hour, the Texian march was resumed. It had scarcely started, when one of the carts broke down, thus causing another delay, while the load was distributed among the other wagons. Horton was ordered to proceed ahead with his command and scour the Coleta timber to the left.<sup>42</sup> It was assumed that everything was clear in the rear, as nothing had been heard from the rear point.<sup>43</sup> After the column had proceeded about half a mile, two Mexicans were seen to come out of the timber a mile behind them—not in the front, from whence Fannin supposed them likely to appear. They halted on the edge of the prairie and reconnoitered for ten minutes, and then returned into the woods; soon after, they again returned, accompanied by four others and again disappeared.<sup>44</sup> After the Texian column had advanced about four miles east of the Manhuila, the enemy's advance guard of cavalry made its appearance, emerging from the belt of timber that skirted the east side of the Manhuila Creek.<sup>45</sup>

Seeing this disposition of the enemy, Colonel Fannin ordered Captain Holland's and Captain Hurst's artillery companies to the

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<sup>42</sup> Kenedy, *Texas*, 568.

<sup>43</sup> Barnard, *Journal*, 17.

<sup>44</sup> Kenedy, *Texas*, 568.

<sup>45</sup> Kenedy, *Texas*, 568; Barnard, *Journal*, 17; Shackelford, Foote, II, 232; Bancroft, II, 228; Johnson, *Texas and Texans*, I, 430; Duval, 40; Yoakum II, 92.



rear, with instructions to begin a rear guard action,<sup>46</sup> for the purpose of delaying the enemy and enabling the column to get to the protection of the timber of the Coletto, then about two miles distant. The artillery executed this order and fired several shots in the direction of the advancing enemy, but without any particular effect, as the shots fell short.<sup>47</sup> The column, with the protection of the artillery, continued its advance. Colonel Fannin ordered his men to advance slowly, so as not to harass the jaded oxen; saying further that the party of the enemy in sight were come only to skirmish, in hopes of making some confusion, by which they might hope to gain plunder, that Colonel Horton, notified by the firing that the enemy were in sight, would immediately return and join the column and that the troops had only to keep themselves cool and they could easily foil such a party. The men all viewed the matter in the same light and marched onward, cool and deliberately, for about a mile further.<sup>48</sup>

About the time the artillery unlimbered and cleared for action, the four horsemen of the rear point came dashing up. Three of them were so terrified that they did not stop, but spurred and whipped their horses past the column and disappeared in the distance. The fourth horseman, Ehrenberg, stopped and took his place with his comrades.<sup>49</sup> Ehrenberg confesses that despite the orders he and his companions had received to remain in the rear and keep a watchful eye on the adjacent timber, they, not seeing any enemy, had ridden along *carelessly* until accidentally they noticed a suspicious figure in the distance; but as it made no demonstration, they concluded it to be some inanimate object, without attempting any investigation. As the army was moving along at a snail's pace, they dismounted and let their horses graze, while they reclined on the ground contemplating the beauties of nature. Finally they were attracted by a dark mass moving on the edge of the forest, but they concluded that this was merely a herd of cattle being driven by settlers out of the Mexicans' way. Gradually they realized that the streak was the enemy horse; and they hastily took to the saddle to make their belated report, with the enemy only a short distance to their rear.<sup>51</sup>

Contemporaneously with the appearance of the Mexican cavalry (which was shortly followed by an infantry unit) in the west, the fringes of timber to the north and west became alive with the enemy.

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<sup>46</sup> Holland, Huson, *Reporting Texas*, 27; Barnard, *Journal*, 17; Shackelford, Foote, II, 232.

<sup>47</sup> Shackelford, Foote, II, 232.

<sup>48</sup> Barnard, *Journal*, 17.

<sup>49</sup> Barnard, *Journal* 17-18; Holland, Huson, *Reporting Texas*, 27; Ehrenberg, 153.

<sup>50</sup> Barnard, *Journal*, 17; Bartholomae, *Ehrenberg*, 152-153.

<sup>51</sup> Bartholomae, *Ehrenberg*, 152-153.

This presented an impressive and imposing spectacle to the Texians. Fannin ordered back the artillery and formed a hollow square, which moved slowly forward.<sup>52</sup> Seeing the purpose of the enemy was to cut him off from the timber, then scarcely a mile away, Fannin had his moving square make a left oblique in the direction of the nearest point of timber. The column then left the road and proceeded about three-quarters of a mile in the new direction; when the movement was brought to a halt by the enemy cavalry.<sup>53</sup>

While these Texian movements were taking place, the Mexican cavalry was approaching rapidly from the Manahuila Creek, and deployed into the open ground in platoons four deep. They immediately galloped after our troops, and when within a fourth of a mile of them, they separated and passed on in double files (one to the right and one to the left of the Texian square) having the Americans between them, until their van was half a mile ahead of the battalion, in the direction of Victoria; then they wheeled from both divisions and galloped to the center, until their ranks again met; their rear also closed in the same manner, and our friends found themselves surrounded on all sides by the enemy.<sup>54</sup>

Seeing himself thus enveloped, Fannin decided to prepare for battle, but desired to reach a commanding eminence about 400 or 500 yards distant before making his dispositions. As the column, in hollow square formation, began to move towards the elevated position, the ammunition wagon broke down; and Fannin decided that it would be impracticable to move the ammunition to the desired position and prepared to give battle on the very ground where chance caused him to be.<sup>55</sup> Shackelford thus describes the position in which the Texians found themselves: "The prairie, here, was nearly in the form of a circle. In front was the timber of the Coleta about a mile distant; in the rear, was another strip of timber, about six miles distant; whilst on our right and left equi-distant, four or five miles from us, there were, likewise, bodies of timber. But, unfortunately for us, in endeavoring to reach a commanding eminence in the prairie, our ammunition cart broke down, and we were compelled to take our position *in a valley, six or seven feet below the mean base*, of about one-fourth of a mile in area."<sup>56</sup> There could not have been a worse defensive position in the prairie.

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<sup>52</sup> Boyle, 13 Q. 287; Shackelford, Foote, II, 232; Morgan, 5; Duval, 40.

<sup>53</sup> Boyle, 13 Q. 287; Johnson, *Texas and Texans*, I, 430.

<sup>54</sup> Kenedy, *Texas*, 568; Holland, Huson, *Reporting Texas*, 27; Duval, 40; Barnard, *Journal*, 18; Ureña, *Diario*; Castaneda, *Mexican Side*, 223.

<sup>55</sup> Bancroft, II, 229; Johnson, *Texas and Texans*, I, 430.

<sup>56</sup> Shackelford, Foote, II, 232; Bancroft, II, 229; Johnson, *Texas and Texans*, I, 430; Yoakum, II, 92; Holland, Huson *Reporting Texas*, 28.

All accounts, save one, describe Fannin's battle formation as a hollow square. Captain Holland describes it as an oblong circle, with the wagons in a cluster in the center, and the artillery posted in positions to defend it, the circle being "about 40 feet of shortest central diameter."<sup>57</sup> General Urrea and all others, except Holland describe the formation as a hollow square, which is undoubtedly correct. Captain Shackelford's designation of oblong square is probably technically correct, as Fannin had only five infantry companies, of unequal sizes, and a few minor rifle detachments or squads, with which to make up the square; hence, unless the line companies were broken up to give evenness to the sides of the square, it would have been necessary to have restricted the length of two of the sides. The square was formed three ranks deep<sup>58</sup> with the artillery in the corners.<sup>60</sup> Urrea states that the artillery was in the center,<sup>61</sup> but formation may be explained by the "hammer" movement which he described, whereby during one phase of the battle the artillery was shifted from one side of the square to the other, to meet attacks. Such of the wagons and cart and draught animals as had gotten to this point were within the center of the "hollow rectangle," as Bancroft describes it.<sup>61/1</sup> It might be here mentioned that Fannin had with him a number of Mexican prisoners,<sup>62</sup> which had been captured in a raid on the San Carlos ranch and, perhaps elsewhere, also some civilians and non-combatants, including at least one woman (Mrs. George W. Cash).<sup>63</sup> There were also a few Mexicans employed to drive the steers.<sup>64</sup>

At the time the enemy first appeared in force, the wagon train was extended along the road, moving painfully along. In the excitement produced by the enemy, some of the steers sulked and refused to go either forward or backward, some were killed by the enemy, and some, perhaps, escaped. The result was that some of the carts and wagons were left stranded and were abandoned on the prairie. It is probable that the food wagon was among these, as it is inconceivable that Fannin or his responsible officers could have forgotten entirely to bring along anything to eat, as Davenport states. Dr. Barnard mentions that after the battle "we found from some unaccountable oversight we had left the provisions behind."<sup>65</sup>

<sup>57</sup> Holland, Huson, *Reporting Texas*, 28.

<sup>58</sup> Shackelford, Foote, II, 233; Johnson, *Texas and Texans*, I, 430; Bancroft, II, 229.

<sup>59</sup> Duval, 40; Urrea, *Diario*.

<sup>60</sup> Duval, 40.

<sup>61</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 223.

<sup>61/1</sup> Boyle, 13 Q. 287; Holland, Huson, *Reporting Texas*, 28.

<sup>62</sup> Morgan ; Duval, 44.

<sup>63</sup> Kenedy, *Texas*, 571-573.

<sup>64</sup> Morgan.

<sup>65</sup> Barnard, *Journal*, 18.



Morgan, who was in charge of the hospital wagon, relates that a Mexican was employed to drive that wagon, that when the order was given to halt, the Mexican abandoned the wagon and went off to the enemy; that the frightened steers, now driverless, headed for the Mexican lines, dragging the cart full of wounded men behind them; that luckily an enemy bullet killed one of the steers and stopped the stampede; but the hospital wagon remained some distance on the outside of the square.<sup>66</sup> Furthermore, in taking the steers from the artillery and wagons, no care was made to tie or secure them for probable future use. Some of the steers escaped and went to the Mexican lines.<sup>67</sup> Some, but not all of the remaining steers, were killed in the battle; but a few remained alive during the battle. These were killed by the Texians and their carcasses used for breastworks,<sup>68</sup> as we shall hereafter see.

It will be remembered that Fannin turned off the road at an oblique angle to the north or northwest. Therefore, at the time of the battle his front was to the north or northwest, and his rear to the south or southeast. Unless this change of direction is noted, the details of some of the movements as described by surviving participants will be confusing. The oblong hollow square was composed as follows:<sup>69</sup>

*On the front:* The San Antonio (New Orleans) Greys and the Red Rovers, the latter being on the extreme right of that side.

*On the rear:* Duval's Mustangs, and a few detachments from other units, including Captain Fraser and what remained, 5 or 6 perhaps, of the Refugio militia.

*On the left:* Westover's regulars.

*On the right:* The Mobile Greys.

The artillery was placed at the corners of the square, which was its normal position throughout the battle<sup>70</sup> except that during periods it was shifted and maneuvered to meet certain contingencies. There were four artillery companies, or rather squads, which manned the guns, they being commanded, respectively, by Captains Holland, Hurst, Schrusnecki, or Petrewich, and Moore.<sup>71</sup>

There were a number of men, soldiers and civilians, who were not attached to any particular organization, who were with the retreating army. Some of these now fought with such companies as

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<sup>66</sup> Morgan, 5-7.

<sup>67</sup> Morgan, 5; Barnard, *Journal*, 18-19; Field, *Three Years in Texas*, 32, 51.

<sup>68</sup> Boyle, 13 Q. 288.

<sup>69</sup> Bancroft, II, 230; Shackelford, Foote, II, 233; Duval, 41; Smith 23 Q. 278.

<sup>70</sup> Duval, 41; Urrea, *Diario*, Castaneda, *Mexican Side*.

<sup>71</sup> Holland, Huson, *Reporting Texas*, 27-28; Barnard, *Journal*, 18. Davenport, 43 Q. 17.



they chose. Some formed themselves into an outpost at the stranded hospital wagon and specialized in sharpshooting. Among these were George W. Cash, Dr. Barnard, Baker, and Hews, who joined Morgan at the wagon.<sup>72</sup>

The extra muskets, some of which had bayonets fixed to them, were distributed to the front ranks of the square, three or four extra guns were issued to each man.<sup>73</sup> After the battle had gotten under way, three or four extra muskets were issued to every soldier.<sup>74</sup>

Colonel Fannin took a commanding position, directly in the rear of the right flank, one of the most dangerous spots.<sup>75</sup> Like the others, he carried and used a rifle.

Having made these dispositions, Colonel Fannin was ready to receive the enemy.

As has been pointed out, Fannin's battlefield was about the worst place that any commander could select to fight a battle. There was no water, no natural cover, and every advantage of terrain favorable to the enemy. The prairie was covered with high grass, which was excellent concealment for the attacker, and which Urrea later used to good purpose. In justice to Fannin, he did not select this battleground; chance or Fate selected it for him; and no one realized the futility of the situation more than Fannin himself. Was he at fault at not attempting to fight his way through to the timber, only a mile away; or at least, in not fighting through to a better position only an eighth of a mile distant? It is interesting to note that but one officer, Dr. Barnard, and only one or two soldiers, who survived and left written accounts, have censured Fannin for fighting where Fate put him. Shackelford, Field and Holland, who were officers, and Duval, Boyle, and other soldiers, who were men of broad discernment, consider the breaking down of the ammunition cart as an unfortunate circumstance, which obliged Fannin to accept the battle at that particular place. It is also interesting to note that most standard historians make no adverse comments on Fannin's judgment in failing to go on; although they are almost unanimous in condemning him for his failure to have kept moving in the first place. Ehrenberg is almost alone in contending that any protests were made to Fannin at this time and place against stopping there. He says that the San Antonio Greys repeatedly protested in vain that it was imperatively necessary for the woods to be gained and that if Fannin would not go, the Greys would march off alone. He

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<sup>72</sup> Morgan, 6-7.

<sup>73</sup> Duval, 41.

<sup>74</sup> Bancroft, II, 230; Urrea, *Diario, Castaneda, Mexican Side*, 224.

<sup>75</sup> Shackelford, Foote, II, 233.

indicates that Fannin called his captains together for consultation as to what should be done, but before they had reached a definite conclusion, the Mexicans began the attack and all had to defend themselves.<sup>76</sup> Dr. Barnard, the sole officer critic, avers. "Colonel Fannin had committed a grievous error in suffering to stop on the prairie at all. We ought to have moved on at all hazards and all costs until we had reached the timber. We might have suffered some loss, but we could have moved on and kept them at bay easily as we repulsed them while stationary."<sup>77</sup>

When the Mexican cavalry had completed its circle around Fannin's column, Horton's little advance guard was cut off from the main column. Horton has been censured for not cutting his way through the enemy and rejoining Fannin. Several of the San Antonio Greys, who were riding with him, dashed through the Mexican lines and rejoined their company. Urrea noted this incident as a brave act.<sup>78</sup> Shackelford and others exonerated Horton, and history has not condemned him. His comrades did expect that he would go to Victoria and bring them aid by the next morning. It is doubtful if there was any substantial aid which could have been found within a hundred miles.

Though General Urrea had no artillery with him at the time, he decided not to wait for it to be brought up, but attack at once. The site of the battle being some distance from the timber behind which the Mexican army had been concentrating, some interval was required to form the Mexican battle line. In the meanwhile, the cavalry was circling the Texians, as has been described, bringing their march to practically a halt. Presently Mexican infantry advanced from the western timber line and deployed on the left and rear of the Texian square, while the cavalry took up a position to the front and right, thus completing the blocking of Fannin's progress until the main battle front could be formed. The main army was shortly seen emerging from the timber to the west and north and advancing rapidly.<sup>79</sup>

When the Mexicans had approached within half a mile of the Texian lines, they formed in three columns, one remaining stationary, the other two marching parallel, one to the Texians right, the other to the Texians left. When the two marching columns had covered the Texian flanks and were opposite to each other, they suddenly

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<sup>76</sup> Bartholomae, *Ehrenberg*, 153, 155. The battlefield is located in about the southwest corner of the Townsend, Hall, Haley and Crane Grant, in Goliad County.

<sup>77</sup> Barnard, *Journal*, 19.

<sup>78</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 227.

<sup>79</sup> Bancroft, II, 228-229; See Holzinger Letter, *Lamar Papers*, I, 396-399.

changed direction to face the square, and the three columns, with trumpets braying and pennons flying, charged the Texian front and flanks simultaneously, while the Mexican cavalry vigorously charged the rear.<sup>80</sup>

Colonel Fannin ordered that all fire be withheld until the command to fire was given. The order was obeyed. Bullets from the attacking force began to reach the Texian lines, but the discipline and restraint of the troops was splendid. Captain Shackelford, after the second enemy volley, ordered all ranks of his company to sit down until the command to fire was given. This example was quickly followed by all excepting the artillerists and Colonel Fannin himself, who is described by all writers as having been splendidly brave and cool. The third enemy volley wounded several Texians, including Colonel Fannin. The Colonel still stood erect, rifle in hand, giving orders, "Not to fire yet," in a calm and decided manner.<sup>81</sup> Finally the artillerists, who were in exposed positions, requested that the artillery be permitted to open fire. The order was given. The cannons were loaded with cannisters of musket balls, the howitzer with grist. The fire wrought havoc in the enemy ranks, but still they came on. The wind was blowing slightly from the northeast and the smoke from the cannon furnished a screen to the enemy of which they took advantage.<sup>82</sup> When the enemy had advanced within about a hundred yards of the square, Fannin gave the long awaited order to fire. The blast from the Texian rifles and artillery was terrific and did murderous execution, but still the Mexicans came on. Their foremost ranks were in actual contact with the bayonets of the Texians at several places of the square. But the fire at close quarters was so rapid and destructive (the Texians making good use of the extra muskets) that before long the enemy fell back in confusion, but not in rout, leaving the ground covered in places with horses and dead men.<sup>83</sup>

The cavalry charge on the rear of the square resulted in a hard and bitter fight. Duval, whose brother's company defended that side, states, "they nearly succeeded in breaking our lines at several places, and certainly they would have done so had we not taken the precaution of arming all in the front ranks with the bayonet and musket. At one time it was almost a hand to hand fight between the cavalry and our front rank, but the two files in the rear poured

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<sup>80</sup> Duval, 41; Urrea, *Diario*.

<sup>81</sup> Shackelford, Foote, II, 223.

<sup>82</sup> Holland, Huson, *Reporting Texas*, 28.

<sup>83</sup> Duval, 41.



such a continuous fire upon the advancing columns that they were finally driven back in disorder.”<sup>84</sup>

The artillery was skillfully and effectively handled—being suddenly wheeled or shifted to a threatened point, and delivering well timed, powerful fire at critical moments. As will be seen from Urrea’s description of the movements, the Texian artillery was shifted from flank to flank and from front to rear, and massed, after which it was returned to pivot the corners of the square.<sup>85</sup>

General Urrea describes his initial battle formation as follows: He overtook Fannin at about 1:30 P. M., and succeeded in cutting off the latter’s retreat with his cavalry. He then ordered Colonel Juan Morales to charge the Texian left with the rifle companies. Shackelford states that these troops were the celebrated Tampico Permanent Regiment, of which Santa Anna said, “They were the best troops in the world.”<sup>86</sup> The grenadiers and the first regiment of San Luis, under immediate command of Urrea himself, charged the right. The remainder of the battalion of Jimenez, and some other companies under Colonel Salas formed itself into a column and charged the front; while the cavalry, commanded by Colonel Gabriel Nuñez, attempted to surprise the Texian rear.<sup>87</sup> As Urrea’s account agrees in most details with Texian accounts, we will give it in full.

“These instructions having been issued, the orders were immediately carried out and a determined charge was made on the right and left flanks. In order to obtain a quick victory, I ordered my troops to charge with their bayonets, at the same time that Colonel Morales did likewise on the opposite flank; and, according to previous instructions, the central column advanced in battle formation, sustaining a steady fire in order to detract the attention of the enemy while we surprised the flanks. Though our soldiers showed resolution, the enemy was likewise unflinching. Thus, without being intimidated by our impetuous charge, it manoeuvred to meet it; and, assuming a hammer formation on the right, they quickly placed three pieces of artillery on this side, pouring a deadly shower of shot upon my reduced column. A similar movement was executed on the left, while our front attack was met with the same courage and coolness. Our column was obliged to operate in guerrillas in order to avoid, as far as possible, the withering fire of the enemy,

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<sup>84</sup> Duval, 42; Shackelford, Foote, II, 234.

<sup>85</sup> Shackelford, Foote, II, 234; Urrea, *Diario*, Castaneda, *Mexican Side*, 224-225.

<sup>86</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 223-224; Shackelford, Foote, II, 233; Johnson, *Texas and Texans*, 431.

<sup>87</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 223, 224; Bancroft, II, 229-30.



who kept up a most lively fire for each one of their soldiers had three and even four loaded guns which they could use at the most critical moment. The fire of the nine cannons, itself lively and well directed, was imposing enough; but our soldiers were brave to rashness and seemed to court death.

"The enemy put into play all its activity and all the means at its command to repel the charge. While defending themselves from our determined attack, they built up defenses with their baggage and wagons, forming a square. It was necessary, therefore, for the officers, who vied with each other in daring to display all their courage and the utmost firmness to maintain the soldiers at their posts—less than half a rifle shot from the enemy, in the middle of an immense plain, and with no other parapets than their bare breasts. In order to protect our soldiers as far as possible, we ordered them to throw themselves on the ground while loading, raising up only to fire. In this way the distance between our force and the enemy was further decreased. Realizing the importance of preventing the enemy from finishing its fortifications, especially in the form in which they were doing it, I tried to disconcert them with a cavalry charge on their rear, and placed myself at the head, convinced that the most eloquent language and the most imperious order is personal example. I found the enemy prepared to meet us. Although disposing of very little time, they had foreseen my operation, and received me with a scorching fire from their cannons and rifles. Our horses were in very poor condition and ill-suited for the purpose, but the circumstances were urgent, and extraordinary measures were necessary. My efforts, however, were all in vain, for after repeatedly trying to make the dragoons effect an opening in the enemy's ranks, I was forced to retire—not without indignation."<sup>88</sup>

Shackelford says that after the infantry charge had been repulsed, the enemy "contented themselves with falling down in the grass and occasionally raising up to fire; but whenever they showed their heads, they were taken down by the riflemen. The engagement now became general; and a body of cavalry, from two to three hundred strong, made a demonstration on our rear. They came up in full tilt, with gleaming lances, shouting like Indians. When about sixty yards distant, the whole of the rear divisions of our little command, together with a piece or two of artillery, loaded with double cannister filled with musket balls, opened a tremendous fire upon them, which brought them to a full halt and swept them down by the scores. The

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<sup>88</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 224-225.

rest immediately retreated, and chose to fight on foot the balance of the day.”<sup>89</sup>

“The sun was going down and our munitions would soon give out,” continues Urrea. “They were exhausted sooner than I expected . . . I decided to make a new and simultaneous charge on all fronts to see if I could disconcert the enemy before the sad moment arrived when we would be entirely without munitions. I gave the necessary orders, and, as the bugles gave the signal agreed upon, all our forces advanced with firm step and in the best order. I placed myself again at the head of the cavalry and led the charge on one of the fronts. All our troops advanced to within fifty and even forty paces from the square. So brave an effort on the part of our courageous soldiers deserved to have been crowned with victory; but fortune refused to favor us. The enemy redoubled its resistance with new vigor. They placed their artillery on the corners, flanking, in this way, our weakened columns. The fire from the cannons, as well as from the rifles, was very lively, making itself all the more noticeable in proportion as ours died out for lack of ammunition. In these circumstances, I ordered all our infantry to fix bayonets and to maintain a slow fire with whatever powder remained. For almost an hour, this unequal contest was kept up. Then I finally gave the order to retire, menacing the enemy with our cavalry, divided in two wings, in order to allow the infantry to execute the movement.”<sup>90</sup>

The action commenced about 1:30 in the afternoon and continued without intermission until after sunset.<sup>91</sup> Duval states that the action was concluded at sunset by a sortie by the Texians on the dismounted cavalry. “They hastily remounted and fell back to the timber to our left.”<sup>92</sup> After the Mexicans had definitely retired from the field, the Texians broke the battle formation which they had so gallantly maintained during that long afternoon and gathered in the center of the square to rest and take inventory.

Holland states, “It was a sorry sight to see our small circle; it had become muddy with blood; Colonel Fannin had been so badly wounded at the first or second fire so as to disable him.”<sup>93</sup> Fannin received three wounds, one slight, the others severe; but, according to all accounts, he continued at his post throughout the battle and proved himself a brave and gallant soldier. After the excitement

<sup>89</sup> Shackelford, Foote, II, 234; Bancroft, II, 230; Kenedy, *Texas*, 569.

<sup>90</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 225-226; Duval, 42-43; Bartholomae, *Ehrenberg*, 158; Kenedy, *Texas*, 571; See J. J. Holzinger Letter, *Lamar Papers*, I, 396-399.

<sup>91</sup> Shackelford, Foote, II, 234; Johnson, *Texas and Texans*, I, 431; Bancroft, II, 231; Barnard, *Journal*, 18; Holland, Huson, *Reporting Texas*, 29; Bartholomae, *Ehrenberg*, 158.

<sup>92</sup> Duval, 44.

<sup>93</sup> Holland, Huson, *Reporting Texas*, 29.

of battle had subsided, his wounds began to pain him.<sup>94</sup> The Texian losses at the end of the regular battle and before the sniping began, were 10 killed, several mortally wounded, and 60-70 badly wounded. Many others were slightly wounded.<sup>95</sup> In fact, there was hardly a Texian who had not received some scratch or wound.<sup>95/1</sup> Among the killed were Lieutenant George McKnight, of Westover's company, Captain H. Francis Petrussewicz, of the artillery, William Quinn, Alfred Dorsey, John Kelly, Conrad Eigenauer, John Jackson, William H. Mann, William F. Savage, and Archibald Swords.<sup>96</sup> Among the wounded, besides Colonel Fannin, were Captain Fraser, of the Refugio Militia, Captain Burr H. Duval, Captain John Sowers Brooks, Andrew Boyle, of Westover's company, and George W. Cash, the surveyor.

All accounts agree that the scene in the Texian camp was most pitiful and distressing now that the din of battle had subsided. The Texans were entirely without water and food. The wounded were given attention by the doctors Barnard, Shackelford, Field, Ferguson and Hale; but their piteous cries for water and delirious shrieks were heartrending and depressing. A discussion was commenced as to the course now to be taken, but it was cut short by bullets of snipers which began to crash into the camp, frequently finding their mark.

Shortly after the Mexican army had retired to their camps, Urrea bethought himself of a means by which he might further damage or at least harass his wearied and bleeding foe. He had with his army about a hundred excellent marksmen in the persons of the Cerise Indians of the Rio Grande.<sup>97</sup> Some accounts state that these marksmen were the same Yucatan or Campeche Indians who had suffered so dreadfully at Refugio.<sup>98</sup> At any rate, Urrea had these Indians slip through the tall grass and take positions close to the Texian line, from which they could pick off such Texans as presented a good target. These marksmen got within thirty paces of the lines and began to do effective execution. Most accounts state that the Texans suffered more losses from snipers than they did during the afternoon's battle. An account states that they killed 4 Texans and wounded 50 within the space of an hour.<sup>99</sup> It was dark and the Texans could not see their concealed foe. Finally

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<sup>94</sup> Bartholomae, *Ehrenberg*, 157, Morgan, 8.

<sup>95</sup> Bancroft, II, 231; Duval, 46.

<sup>95/1</sup> Duval, 46.

<sup>96</sup> Davenport, 43 Q. 33.

<sup>97</sup> Duval, 43; Bancroft, II, 231.

<sup>98</sup> Kennedy, *Texas*, 570; Johnson, 431; Yoakum, II, 93.

<sup>99</sup> Kennedy, *Texas*, 571.



they solved the problem. They posted counter snipers, who remained quiet until they saw the flashes of the Indian's guns; then they would fire at the point where the flash had been seen. After a while the Mexican snipers were definitely worsted and withdrew. The bodies of many of them were found in the grass the next morning.<sup>100</sup>

The sniping ended, but the resourceful Urrea was determined that his foe man should have no rest or sleep during the night. He kept small parties active throughout the night "harassing the enemy and keeping it awake with false bugle-calls."<sup>101</sup> All night the bugles shrieked the "Centinelo Alerto," but that was not the cause of the Texians' getting no rest.

Before taking up the plans and preparations of Fannin's men, we will see how Urrea disposed of his forces during the night. He states, "I placed the infantry a little more than 200 paces from the enemy, protected from their rifles by a gentle slope. I detailed cavalry and infantry pickets to points from which they could observe the enemy. I moved the wounded to the woods which the enemy had tried to take possession of when I overtook it, and which was situated to the rear of our infantry. During the night I closed the circle formed by our advance guards and moved our scouts forward until they could observe the slightest movement in the other camp, . . . harassing the enemy and keeping it awake with false bugle calls. I also visited our outposts."<sup>102</sup>

The Mexican army was posted in three detachments or sections around the Texians' camp. The first was placed towards Goliad; the second between the Texians and Victoria; and the third to the left, and equally far from the other two so that they formed a triangle. Ehrenberg states, "Their signals indicated to us their exact positions. Under these circumstances it was impossible for us to retreat without being noticed."<sup>103</sup> The detachments appear to have been placed about a quarter of a mile from each side of the Texian camp.<sup>104</sup> The Mexicans rested on their arms all night. In addition to the contingents guarding against escape of Fannin, the Mexicans appear to have had their main camp in the woods to the north of the Texians, where large reserves were being rested and refreshed for the next morning's expected battle.<sup>105</sup> During the night reinforcements and several pieces of artillery were moved up from Goliad.

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<sup>100</sup> Kenedy, *Texas*, 571; Duval, 43; Yoakum, II, 93; Bancroft, II, 231.

<sup>101</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 227.

<sup>102</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 227.

<sup>103</sup> Bartholomae, *Ehrenberg*, 158.

<sup>104</sup> Kenedy, *Texas*, 571.

<sup>105</sup> Shackelford, Foote, II, 236-237.



In Fannin's camp there was a different scene. Minds were confused as to the best course to take. Despite their losses, the Texians really felt that they had been the victors and had given the foe a good beating. Fannin is said to have stated, "We beat them today and we can do it again tomorrow." Despite his wounds, which were painful, he was collected and in good spirits. He offered "his good leg" to one of the privates for "a pillow." There was considerable expectancy that Colonel Horton would be on hand early the next morning with reinforcements.<sup>106</sup> A survey, however, indicated that the ammunition was low, and it was estimated that not enough remained to see them through another such battle.<sup>107</sup> Also, there was absolutely no water, and this was not only imperatively needed for the wounded and the well also, but was required to keep the artillery in action. The artillery had performed beautifully during the first part of the battle; but when the big guns got hot, they could not be used again until they cooled. If they were to be depended upon water was required to sponge them when they got hot.<sup>108</sup> The casualty list among the artillerists had been heavy. These men had been compelled to expose themselves, and Urrea had no doubt seen to it that his marksmen had given special attention to their elimination. One artillery captain was dead.<sup>109</sup> Towards the end of the battle there had not been enough experienced men to man the guns. Lieutenant Gates, of Westover's company, had taken over one of the cannons, and the San Antonio Greys had manned one or more of the others.<sup>110</sup> It was doubtful whether the artillery would be of much value in a second day's battle.<sup>111</sup>

The question of abandoning the camp and fighting their way to the timber was given considerable discussion. Duval relates, "Colonel Fannin made a short speech to the men in which he told them that in his opinion, the only way of extricating themselves from the difficulty they were in, was to retreat after dark to the timber on the Coletto, and cut their way through the enemy's lines should they oppose the movement. He told them there was no doubt they would be able to do this, as the enemy had evidently been greatly demoralized by the complete failure of the attack they had made upon us. He said, moreover, that the necessity for a speedy retreat was more urgent, as it was more than probable that the

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<sup>106</sup> Shackelford, Foote, II, 237; Kenedy, *Texas*, 572.

<sup>107</sup> Duval, 47; Holland, Huson, *Reporting Texas*, 29.

<sup>108</sup> Bancroft, II, 230.

<sup>109</sup> Bartholomæ, *Ehrenberg*, 157; Morgan, 8; Barnard, *Journal*, 18.

<sup>110</sup> Field, *Three Years in Texas*, 57.

<sup>111</sup> Shackelford, Foote, II, 237.

Mexicans would be heavily reinforced during the night. He concluded by saying that if a majority were in favor of retreating, preparations would be made to leave as soon as it was dark enough to conceal our movements from the enemy. But we had about seventy men wounded (most of them badly) and as almost everyone had some friend or relative among them, after a short consultation upon the subject, it was unanimously determined not to abandon our wounded men, but to remain with them and share their fate, whatever it might be."<sup>112</sup> The San Antonio Greys appear to have revived their original idea of cutting their own way through the enemy to the woods if the rest would not go, but finally they yielded to the pleas of their wounded comrades and decided to wait until daylight before making their decision.<sup>113</sup> Holland states, "The officers were all summoned to Colonel Fannin, where he lay wounded, and the question was whether we should maintain our present position or retreat; it was carried that we should sustain ourselves as long as possible."<sup>114</sup>

While the matter of the wounded men controlled the decision to remain and fight, there were also other considerations. It was evident that if a retreat was to be successful, the artillery, wagons, and most of the baggage and ammunition, as well as the wounded, would have to be left behind, because there was no motive power available with which to move the carts. Dr. Field states, "When they (the enemy) had taken their position for the night, Colonel Fannin ordered his men to prepare for resuming their march and cutting their way through the enemy's lines. But it was soon discovered, that so many of the horses were killed or wounded, and our oxen strayed away, that it was impossible to transport our wounded, who were more than sixty in number. Our commander said he would not leave them, but was resolved to share with them a common fate."<sup>115</sup> Shackelford's story is about the same as Fields'.<sup>116</sup> Morgan states, "Every animal we had was killed or wounded except two of the oxen that I had in the (hospital) wagon."<sup>117</sup> It seems that these and all wounded oxen were thereafter killed, either by the Texians or by sharpshooters detailed by Urrea for the purpose, and their carcasses used for entrenchments.<sup>118</sup>

The night was dark as pitch, and the weather was threatening.<sup>119</sup> A cold norther made its appearance, and a misty fog and drizzling

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<sup>112</sup> Duval, 44-45; Morgan, 9.

<sup>113</sup> Bartholomae, *Ehrenberg*, 158-161; Barnard, *Journal*, 19.

<sup>114</sup> Holland, Huson, *Reporting Texas*, 29.

<sup>115</sup> Field, *Three Years in Texas*, 51.

<sup>116</sup> Shackelford, Foote, II, 237.

<sup>117</sup> Morgan, 8.

<sup>118</sup> Urrea, *Diario*, Castaneda, *Mexican Side*, 227.

<sup>119</sup> Holland, Huson, *Reporting Texas*, 29.

rain began to fall.<sup>120</sup> These adverse conditions continued and worsened throughout the night. No fire was attempted and no light was made, as it was feared that the silhouetted forms of the Texians would become immediate targets for the enemy pickets lurking near. Thus throughout the night the wounded could receive no surgical aid, and whatever was done for them was by sense of touch only.<sup>121</sup> As the night grew on, the men and especially the wounded were tortured by lack of water. Some of the soldiers thought they might find water at shallow level and began digging for it, without success.<sup>122</sup>

It having been decided to remain where they were, orders were given to begin work entrenching and erecting barricades and breastworks. Dr. Barnard relates: "During the fight, while drawn up in order of battle, which was a hollow square, we occupied about an acre of ground. When the firing ceased, we had left the line and congregated in the center where we laid down. The entrenchment was made around us as we then were, and did not enclose a fourth part of the ground we occupied in the battle. We went to work with our spades and dug a ditch, two or three feet in depth."<sup>123</sup> Piled up on the redoubt were all of the available wagons, carts, baggage, and carcasses of dead horses and oxen. The surviving animals were killed and their carcasses used as bastions.<sup>124</sup> The hungry and thirsty men worked all night in the dark and drizzle, and by dawn had completed their fortifications.<sup>125</sup> The cannon were once more set up in the corners of the reduced square.<sup>126</sup> In this work even badly wounded men and the officers and doctors had a full share.<sup>127</sup>

The Texians got no rest, as, by the time they had finished this makeshift fortification, the Mexican army was in motion ready to resume the battle. The courage and discipline of the Texians was still excellent. Only two cases of cowardice are recorded. These two men when the battle began the previous day had hid themselves under wagons and covered themselves with blankets.<sup>128</sup> Some time during the night three Texians left the barricade with the view of escaping through the Mexican lines. Shortly thereafter three volleys were heard in the direction which they had taken, and

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<sup>120</sup> Holland, *Huson, Reporting Texas*, 29.

<sup>121</sup> Barnard, *Journal*, 19.

<sup>122</sup> Boyle, 13 Q. 288.

<sup>123</sup> Barnard, *Journal*, 19; Holland, 29.

<sup>124</sup> Boyle, 13 Q. 258; Kenedy, *Texas*, 571-572; Barnard, *Journal*, 19; Urrea, *Diario, Castaneda*, 227.

<sup>125</sup> Barnard, *Journal*, 19; Kenedy, *Texas*, 571-572; Duval, 46; Field, 51.

<sup>126</sup> Holland, *Huson, Reporting Texas*, 30.

<sup>127</sup> Barnard, *Journal*, 19.

<sup>128</sup> Kenedy, *Texas*, 571.



their comrades in the trenches knew the three quasi-deserters had failed to get through.<sup>129</sup>

During the time the entrenching was in progress, preparations were made to guard against a night raid by Mexican cavalry. Each man was issued two or more good muskets, one with bayonet attached. Those who rested from the digging stood guard while the others labored. Instructions were given, in case of attack, to kneel on one knee behind the embankment with one musket in the hands and braced against the knee, and with the other musket leaning against the embankment. The orders were to let the enemy come close enough so as to be sure to kill one out of each fire for every man, and then to use the bayonet. Boyle says, "We remained in the position all night."<sup>130</sup>

Urrea states, "At daybreak I inspected the position of the enemy, which I found to be the same as that of the day before, with the exception of the trenches formed by their baggage and wagons, now reinforced by the piling up of the dead horses and oxen and by the digging of a ditch. I issued orders for the battalion of Jimenez to take its position in battle formation; the rifle companies were to advance along the open country; and the cavalry, in two wings, was to charge both flanks. The troops having taken up their respective positions, rations were issued consisting of hardtack and roast meat. The latter was furnished by the teams of oxen that had been taken from the enemy the night before. . . . The day before, some of the infantry had taken cartridges belonging to the cavalry and as a result some of the rifles were loaded, but they were fixed on this day. At half past six in the morning the ammunition arrived, which, as stated before, had been lost the day before; and although more had been ordered from Colonel Garay, this had not arrived up to this time. One hundred infantry, two four-pounders (not a twelve pounder), and a howitzer were added to my force. I placed these as a battery about 160 paces from the enemy, protected by the rifle companies. I ordered the rest of the infantry to form a column that was to advance along the left of our battery when it opened fire. As soon as we did this and began our movement as planned, the enemy, without answering our fire, raised a white flag."<sup>131</sup>

Although the Texians had labored hard on the entrenchments, none of them appear to have placed much value or reliance on them.<sup>132</sup> However, as soon as Colonel Fannin saw the artillery, he

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<sup>129</sup> Duval, 47.

<sup>130</sup> Morgan, 9-10.

<sup>131</sup> Urrea, *Diario*, Castaneda, 227-228; See Holzinger, *Lamar Papers*, I, 396-397.

<sup>132</sup> Duval, 46-47.



knew that the fate of the engagement was determined; and he called a consultation of officers, "amid the cries of our wounded that he would surrender, and thus procure water for their parched tongues."<sup>132/1</sup>

### PART THREE

#### *Incidents of Local Interest*

Shortly after Georgia Battalion left Goliad, Colonel Fannin received an order from General Houston to evacuate Goliad and fall back on Victoria. Fannin immediately sent expresses to Ward to advise him of the orders, but, as we have seen, none of the messengers got through to Refugio, until Perry delivered his message at near midnight of the 14th. Ward, too, had been unable to get messages through, excepting those by Humphries and [Edward] Perry, so that Fannin was in a quandary as to the situation of Ward and King. Fannin's state of mind might be reflected by the following entries in Dr. Barnard's Journal.

Dr. Barnard, *Journal*, 14:15. See Huson's edition, pp. 16-18.

Sunday, March 13. The day passed, and we looked in vain for the return of Colonel Ward.

Monday, March 14. Expresses were sent out to obtain intelligence of Ward, but the day passed and no tidings of him.

Tuesday, March 15. The first expresses have not returned; others were sent, but the day passed by and no tidings came.

Wednesday, March 16. No expresses have returned; another was sent today, but after going a short distance his fears induced him to return. It was now that Captain Fraser, who lived at and was acquainted about Refugio, proposed to Colonel Fannin, that if he could be furnished with a good horse he would go down and ascertain the state of affairs, and pledged himself, if alive, to return in twenty-four hours, with intelligence. A Horse was procured and he left. Night came and still no tidings.

Thursday, March 17. We were now in a state of intense anxiety respecting the fate of our comrades; nothing had been heard from them since they left us on Saturday morning and none of our messengers had returned. We were convinced that some calamity

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<sup>132/1</sup> Kennedy, *Texas*, 571-573.

had befallen them, and of its nature and extent we now had gloomy apprehensions. At length, about 4 P. M. Captain Fraser, true to his word, arrived, and gave us full and explicit information . . . Fannin and his officers immediately held a council, and without any hesitation resolved to commence our retreat early the next morning.

Field, *Three Years in Texas*, 57.

In the heat of the battle of the Colette [sic], one of the cannons at the time of a severe charge of the enemy's cavalry, was completely unmanned by the wounding of the cannonier, and all the soldiers attached to the piece. A young man by the name of [Lucius W.] Gates, who was lieutenant and nephew of Capt. [Ira] Westover, perceiving it, ran to the spot, gave direction to it and made so good a shot that the enemy was compelled to retire. Capt. Westover was from this state [Massachusetts], I believe, and married his wife in Gloucester, on Cape Ann. She was left a widow in Texas.<sup>133</sup> Kennedy, *Texas*, 571.

" . . . Among the wounded was Harry Ripley, a youth of eighteen or nineteen, the son of General Ripley of Louisiana; he, poor fellow, had his leg broken soon after the Indians first took to the grass. Mrs. Cash, at his request, helped him into her cart, and fixed a prop for him to lean against, and a rest for his rifle; while in that situation, he was seen to bring down four Mexicans before he received another wound, which broke his right arm; he immediately exclaimed to Mrs. C., "You may take me down now, mother; I have done my share; they have paid exactly two for one on account of both balls in me."

Kennedy, *Texas*, 572-573.

Mrs. [G. W. Cash], at the solicitation of some of the wounded, undertook to go to Urrea and ask him for water ere the action again commenced. Accompanied by her little son, a lad of fourteen years of age, who had done a man's fighting during the work of the previous day, she made her way over the ground between the two contending parties, and proceeded directly to Urrea, to whom she was introduced by a Mexican officer stationed at Goliad. She made him acquainted with her errand; he did not answer her request,

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<sup>133</sup> Rebecca Westover, the widow, married Oliver Jones. She and Congressman Jones are buried in the old Episcopal Cemetery at Houston. In 1930 they were reinterred in the State Cemetery at Austin. Lindley, *Biographical Directory*, 117.

but fixing his eyes upon the boy's shot-pouch and powder-horn, he exclaimed, "Woman! are you not ashamed to bring one of such tender age into such a situation?" The boy immediately answered him, 'that, young as he was, he knew his rights, as did everybody in Texas; and he intended to have them or die.' The conversation was here interrupted by the raising of a white flag on the part of our troops, as a token of surrender, which was immediately torn into three pieces by the wind.

Andrew Boyle, an Irish colonist and one of Westover's men, (13 Q 287).

"I had been shot in the right leg at about half past three in the afternoon . . . I lay that night near Colonel Fannin, who had been slightly wounded in the thigh. I remember his good-naturedly offering me his 'good leg' for a pillow . . . [After relating details of surrender, imprisonment and the shooting of the wounded prisoners.] At this time an officer, apparently of distinction, came into the yard and asked in a loud voice, in English, whether anyone named Boyle was there or not. I was near him as he entered, and answered at once. He then ordered an officer to take me to the officers' hospital and have my wound attended to, saying that he would call upon me there. When I arrived at the hospital the Mexican officers seemed kindly disposed to me, and gave me a pair of 'armas de pelo' to lie on . . . A few hours after the murder of Mr. Brooks, the officer who had asked for me in the yard came into the hospital. Addressing me in English he said: 'Make your mind easy, Sir; your life is spared.' I asked if I might inquire the name of the person to whom I was indebted for my life. 'Certainly,' said he, 'my name is General Francisco Garay, second in command of Urrea's division.' He had taken my name and description from my sister, Mary, at whose house he had been quartered while his division occupied San Patricio, and by whom and my brother Rod-erick he had been kindly treated. She and my brother had refused all remuneration from him, only asking that if I should ever fall into his hands I should be kindly treated . . ."

At the same time that orders were issued to Fannin to abandon Goliad, General Houston ordered Captain Dimmitt, who was in command at Victoria, to bring his force forthwith to Gonzales.<sup>134</sup> Dimmitt obeyed the order with his usual promptitude, leaving

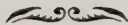
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<sup>134</sup> *Houston to Dimmitt*, March 12, 1836, *Yoakum*, II, 472-473.

Captain Samuel Addison White in charge at Victoria. Dimmitt had with him but 21 men, but with these he made a forced ride to Gonzales. In the meantime Houston had withdrawn from that point, and the Mexican advance guard was in possession. Dimmitt, uninformed of this change in the situation, "rode in upon the Mexican pickets and narrowly escaped capture." Several of the horses of the Dimmitt troop were killed in the skirmish, and some of the Texians were wounded. They managed to get to a safe distance from the enemy. The remaining horses were so exhausted that Dimmitt ordered his men to abandon the horses, and they retreated down the Guadalupe on foot, marching four days without food.<sup>135</sup>

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It will be of interest to Refugians to note that on March 10, 1836, Lieutenant Samuel Addison White, who had been one of the surveyors of the Power and Hewetson colony, with 30 colonial militia recruited from the Lavaca-Navidad section, took up post at Victoria. Here he remained until March 19/20, when learning of Fannin's entrapment from Colonel Horton's cavalrymen, abandoned Victoria and fell back to the east.<sup>136</sup>



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<sup>135</sup> Brown, *Indian Wars and Pioneers of Texas*, 396-399. (Hardeman).

<sup>136</sup> Brown, *History of Texas*, I, 608.

NOTE: Since the text was written the author has published an edited version of *Dr. Barnard's Journal*. The references in one text, unfortunately, are to one "1912 version."



## CHAPTER XVII

### SURRENDERS OF FANNIN, WARD, AND MILLER



ANY of the Texian accounts state that after the Mexican army got its artillery into position and fired one or two rounds of chain shot into Fannin's camp, the Mexicans themselves first put up a white flag,<sup>1</sup> and almost immediately took it down. Urrea does not mention any such incident, but it is possible that the Mexicans showed the white flag for the purpose of suggesting the idea to the Texians. Field states that "almost simultaneously, a white flag was raised upon both sides."<sup>2</sup> Duval says, "After firing several rounds from their nine-pounders, an officer, accompanied by a soldier bearing a white flag, rode towards us, and by sign gave to us to understand that he desired a 'parley'."<sup>3</sup> Colonel Holzinger states, "General Urrea received next morning two pieces of artillery which were placed in a favorable position, but were not to fire unless the enemy made a movement. On learning from one of our outposts that the enemy was moving, orders were given to attack him with the artillery but when on the third time of firing we perceived that he did not return it, ours was suspended and  $\frac{1}{4}$  hour afterwards he was seen to hang out a white flag."<sup>4</sup>

Irrespective of who raised the white flag first, the Texians had been discussing the idea of surrender from the time they first saw the enemy artillery. It was realized that they were doomed to eventual destruction if they remained where they then were and that their only hope of saving a remnant of their force lay in a determined rush through the enemy lines for the timber ahead. This, however, necessitated the abandonment of their badly wounded, who numbered 50 to 70 men; and it was felt that the enemy would promptly butcher the wounded if they were left.<sup>5</sup>

The Texian officers consulted together and then submitted the question to their respective companies. The proposition was coolly discussed pro and con. It was considered that if the enemy would agree to a formal capitulation, there would be some chance of their

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<sup>1</sup> Duval, 47; Shackelford, Foote, II, 237; Spohn, *Lamar Papers*, I, 430-435. Colonel James Woods, *The Texan War*, Goliad Advance Guard, March, 1929.

<sup>2</sup> Field, 51.

<sup>3</sup> Duval, 47.

<sup>4</sup> Holzinger, *Lamar Papers*, I, 397.

<sup>5</sup> Barnard, *Journal*, 20-21.

adhering to it and thus saving the wounded men. Dr. Shackelford resolutely declared that he would not agree to any alternative course that involved an abandonment of his wounded men. It was finally agreed that the Texians would surrender if an honorable capitulation would be granted, but not otherwise, "preferring to fight it out to the last man, in our ditches, rather than put ourselves in the power of such faithless wretches, without some assurance that our lives would be respected. These, as understood, were the sentiments generally of the party."<sup>6</sup>

"When the matter was first proposed to Colonel Fannin, he was for holding out longer, saying, 'We whipped them off yesterday and we can do so again today.' But the necessity of the measure soon became obvious. He inquired if the sentiment was unanimous, and finding that all, or nearly all, had made up their minds, he ordered a white flag to be hoisted. This was done and was promptly answered by one from the enemy."<sup>7</sup> Major Wallace was then sent out together with one or two others who spoke the Mexican language. Captain Desanque, Captain Benjamin H. Holland and an ensign were among them.<sup>8</sup>

The Mexicans sent with their flag, Colonels Mariano Salas and Juan Morales, Lieutenant Colonel John Joseph Holzinger, and Adjutant Jose de la Luz Gonzales.<sup>9</sup> The flags met halfway between the two armies;<sup>10</sup> but when the Mexicans found that Colonel Fannin was not present, they stated that their general would treat only with the Texian commander.<sup>11</sup> The Texians thereupon returned to their trenches and imparted this information to Colonel Fannin.

General Urrea states that upon the meeting of the two flags, Colonel Morales returned to him with the information that the Texians desired to capitulate. "My reply restricted itself to stating that I could not accept any terms except an unconditional surrender. Señores Morales and Salas proceeded to tell this to the commissioners of the enemy who had already come out from their trenches. Several communications passed between us; and, desirous of putting an end to the negotiations, I went over to the enemy's camp and explained to their leader the impossibility in which I found myself of granting other terms than an unconditional surrender as proposed, in view of which fact I refused to subscribe to the capitulation submitted consisting of three articles. Addressing myself to Fannin and his

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<sup>6</sup> Barnard, 20.

<sup>7</sup> Barnard, 20-21.

<sup>8</sup> Shackelford, Foote, II, 238; Barnard, *Journal*, 21, Holland, Huson, *Reporting Texas*, 30.

<sup>9</sup> Bancroft, *North Mexican States*, II, 233; Urrea, *Diario*, Castaneda, 228.

<sup>10</sup> Holland, Huson, *Reporting Texas*, 30.

<sup>11</sup> Shackelford, Foote, II, 238.

companions in the presence of Messrs. Morales, Salas, Holzinger and others I said conclusively, 'If you gentlemen wish to surrender at discretion, the matter is ended, otherwise I shall return to my camp and renew the attack.' In spite of the regret I felt in making such a reply and in spite of my great desire of offering them guarantees as humanity dictated, this was beyond my authority."<sup>12</sup>

Urrea had reference to a decree promulgated by the Mexican Congress, in December, 1835. The Mexican Minister at Washington had prepared and published in most of newspapers of the United States a circular notifying the public of the decree and the intention of the Mexican government to enforce it to the letter. The circular was as follows:

#### WAR AND NAVY DEPARTMENT CIRCULAR

The Government has received information that in the United States of North America, meetings are called for the avowed purpose of getting up and fitting out expeditions against the Republic of Mexico, in order to send assistance to the rebels, foster the civil war, and inflict upon our country all the calamities by which it is followed. In the United States, our ancient ally, expeditions are now organized similar to that headed by the traitor Jose Antonio Mejia, and some have even set out for Texas. They have been furnished with every kind of ammunition, by means of which the revolted colonies are enabled to resist and fight the nation from which they never have received but immense gratuitous benefits. The Government is also positively informed that these acts, condemned by the wisdom of the laws of the United States, are also reported to the General Government, with which the best intelligence and the greatest harmony still prevail. However, as these adventurers have succeeded in escaping the penalties inflicted by the laws of their own country, it becomes necessary to adopt measures for their punishment. His Excellency the President *ad interim* anxious to repress these aggressions, which constitute not only an offence to the sovereignty of the Mexican nation, but also to an evident violation of international laws, as they are generally adopted, has ordered the following decrees to be enforced.

1. Foreigners landing on the coast of the Republic, or invading its territory by land, armed and with the intention of attacking our country, will be deemed pirates, and dealt with as such, being citizens of no nation presently at war with the Republic, and fighting under no recognized flag.

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<sup>12</sup> Urrea, *Diario*, Castaneda, 228.

2. All foreigners who will import either by sea or land, in the places occupied by the rebels, either arms or ammunitions of any kind for the use of said rebels, will be deemed pirates, and punished as such.

I send you these decrees that you may cause them to be fully executed.

#### TORNEL

Mexico, 30th Dec. 1835.<sup>13</sup>

Because of the slowness of communications in those days, publicity of this stern decree was not given in the United States until February and March and long after Fannin's men had reached Texas.

The terms of Fannin's surrender have been a matter of controversy for over a century, all Texian authorities contending that Fannin capitulated on the agreement of Urrea that he and his men were to be treated as prisoners of war and should be sent back to the United States as soon as transportation was available, while the Mexican authorities claim that Fannin surrendered at discretion, or unconditionally. Of course, all of the records belonging to Fannin's regiment passed into the hands of the Mexicans at the surrender, and Fannin's copy of the terms of surrender also passed into their hands after he was shot, else became destroyed. The Mexican's copy of the treaty was published shortly after the revolution had closed, but its genuineness was always questioned by Texans. A few years ago Dr. E. C. Barker discovered the original of the Spanish copy of the capitulation, and a fac-simile is reproduced in Castaneda's *Mexican Side of the Texas Revolution*. (pages 60-61)

A translation of this copy is as follows:

#### No. 7

Surrender of the force which was found at Goliad under the orders of the Señor Don James W. Fannin, Jr.

ARTICLE 1ST The Mexican troops having placed their battery one hundred and sixty paces from us and the fire having been renewed, we raised a white flag; Colonel Juan Morales, Colonel Mariano Salas, and Lieutenant Colonel of Engineers Juan Jose Holzinger came immediately. We proposed to surrender at discretion and they agreed.

ARTICLE 2ND The commandant Fannin and the wounded shall be treated with all possible consideration upon the surrender of all their arms.

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<sup>13</sup> *Lexington (Ky.) Intelligencer*, March 11, 1836. *Huson. Reporting Texas*, 321.



ARTICLE 3RD The whole detachment shall be treated as prisoners of war and shall be subject to the disposition of the supreme government.

Camp on the Colecto between the Guadalupe and La Bahia, March 20, 1836.

Approved

J. W. FANNIN, JR.

Col. Comdg.

B. C. WALLACE, Com.

J. M. CHADWICK, Adj. Com.

Since when the white flag was raised by the enemy, I made it known to their officer that I could not grant any other terms than an unconditional surrender and they agreed to it through the officers expressed, those who subscribe the surrender have no right to any other terms. They have been informed of this fact and they are agreed. I ought not, cannot, nor wish to grant any other terms.

JOSE URREA.<sup>14</sup>

There is no evidence whatever that Urrea's notation was contained on Fannin's copy of the treaty, nor that Fannin or any other Texian knew that Urrea had added the foregoing post-script to his own retained copy of the agreement. The document was ambiguous, but Urrea's unilateral interpretation and explanation left no room for doubt as to the construction to be given it by Santa Anna, when same came to his hands for decision.

Colonel Holzinger, one of Urrea's commissioners, has left the following account of the transaction.

"General Urrea then sent as Commissioners to Fannin's Camp, Colonels Salas, Morales and myself to enquire into the motive of the flag, when we were informed that they were ready to surrender as prisoners of war, if the Mexican Commander would engage to treat them according to the usages of civilized nations. We were acquainted with the law that establishes the penalty of death for those individuals who may come armed for the purpose of carrying on war in Mexican territory and that the door was therefore closed against any agreement; I offered, however, to Colonel Fannin to make known his disposition to General Urrea; which in effect I did, and received for answer, that inasmuch as the law prohibited his entering into such agreements he could not enter into any, nor listen to any other proposition than a surrender at the discretion of the Supreme Government of Mexico; adding that I might, individually, assure him, (Fannin) that he would use his influence and endeavors with the Supreme Government of Mexico for the alleviation of his fate and that of his men, treating them, during the time which

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<sup>14</sup> Fannin's Capitulation. Spanish copy, fac-simile, Castaneda, *Mexican Side*, 60-61. Mexican War office translation. *ibid.*, p. 62.

would transpire previous to receiving the answer from said Government, as prisoners of war, according to the right of Nations. On this, Colonel Fannin called a meeting to discuss this message from the Mexican commander. After waiting about half an hour Col. Fannin and his men declared to us the meeting had come to the resolution of obtaining a guarantee for their lives and effects, and also that their wounded should receive the same treatment as the Mexicans in virtue of a document to be drawn up, signed by me and ratified by General Urrea. When the General was informed of this, he repeated that he could not make any *public* treaty, to be signed by anyone on the Mexican side, and that Fannin should show in writing, his surrender at discretion, in which General Urrea insisted, under the promise before made, *individually*. On this second answer, Colonel Fannin and his men, after some minutes' hesitation, put to us the following question: "Do you believe that the Mexican Government will not attempt to take away our lives?"—And the three Mexican Commissioners answered, that in virtue of the law in force we could give no guarantee whatsoever; but that not a single example could be adduced that the Mexican Government had ordered a man to be shot who had trusted to their clemency. Although this answer did not satisfy them, they said to us, "Well then, I have no water; my wounded need attendance. I particularly recommend to you those unfortunate men, and will deliver myself up to the discretion of the Mexican Government." Pursuant to this resolution of Col. Fannin and his men, we agreed upon one hour for effecting the delivery of the arms, and that every man should retain his baggage, and Capt. Andrade, General Urrea's secretary, was ordered to draw up the surrender at discretion in Spanish and in English; the former to remain with General Urrea and the latter with Col. Fannin. Here terminated our commission, nor did we the Commissioners, sign any agreement whatever. If subsequently, General Urrea had, through his secretary, any further negotiation with Col. Fannin on the matter, I am entirely ignorant of it.<sup>15</sup>

Captain Benjamin H. Holland, the only Texian witness to the negotiations to survive and leave an account of them, wrote in April, 1836.

"It was accordingly decided that we should send a flag of truce to the enemy, and if possible obtain a treaty, if upon fair and honorable terms; accordingly Capt. F. J. Desanque (the bearer of the express from Gen. Houston), Capt. B. H. Holland of the artillery, and an ensign were dispatched with a flag of truce; the flags met midway between the two armies, and it was

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<sup>15</sup> J. J. Holzinger to J. A. Wharton, June 3, 1836, *Lamar Papers*, I, 397-398.

decided that the two commanders should meet to decide the matter—in pursuance of which Col. Fannin was conveyed out and met Gen. Urrea, Governor of Durango, commander of the Mexican forces, and the following treaty was concluded upon, and solemnly ratified, a copy of it in Spanish was retained by Gen. Urrea, and one in English by Col. Fannin.

“Seeing the Texian army entirely overpowered by a far superior force, and to avoid the effusion of blood, we surrendered ourselves prisoners of war under the following terms:

“ARTICLE 1ST That we should be received and treated as prisoners of war, according to the usages of civilized nations.

“ARTICLE 2ND That the officers should be paroled immediately upon their arrival at La Bahia, and the other prisoners should be sent to Copano, within eight days, there to await shipping to convey them to the United States, so soon as it was practicable to procure it; no more to take up arms against Mexico until exchanged.

“ARTICLE 3RD That all private property should be respected, and officers’ swords should be returned on parole or release.

“ARTICLE 4TH That our men should receive every comfort and be fed as well as their own men.

Signed GEN. URREA  
COL. MORALES  
COL. HOLZINGER.

on the part of the enemy; and on our part by

COL. FANNIN  
MAJ. WALLACE

“The officers were then called upon to deliver their side arms, which were boxed up, with their names placed by a ticket upon each, and a label upon the box stating that they should soon have the honor of returning them and that it was their principle to meet us now as friends, not as enemies.”<sup>16</sup>

As has been before stated, all Texian accounts agree that the officers and men were told by Colonel Fannin and others that an honorable capitulation had been agreed upon. Dr. Barnard states that Urrea and Fannin met between the lines, and that “after some parley a capitulation with General Urrea was agreed upon, the terms of which were: That we should lay down our arms and surrender ourselves as prisoners of war. That we should be treated as such, according to the usage of civilized nations. That our wounded men should be taken back to Goliad and properly attended to, and that all private property should be respected.

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<sup>16</sup> Capt. B. H. Holland’s account *Frankfort (Ky.) Commonwealth*, June 1, 1836, Huson, *Reporting Texas*, 30-31.

"These were the terms that Col. Fannin distinctly told his men, on his return, had been agreed upon, and which was confirmed by Major Wallace and Captain Dusanque, the interpreter. I saw Col. Fannin and his adjutant, Mr. Chadwick, get out his writing desk and paper and proceed to writing. Two or three Mexican soldiers came within our lines, and were with Col. Fannin and Chadwick, until the writing was finished. We were told that articles of capitulation were reduced to writing and signed by the commanders on both sides, and one or two of their principal officers, that the writings were in duplicate and each commander retained a copy.

"I am thus particular and minute in regard to all the incidents of this capitulation and especially what fell under my personal observation, because Santa Anna and Urrea, both, subsequently denied that any capitulation had been made, but that we surrendered at discretion. We were also told, though I cannot vouch for the authority, that as soon as possible, we should be sent to New Orleans, under parole, not to serve any more against Mexico, during the war in Texas; but it seemed to be confirmed by an observation of the Mexican Colonel Holzinger, who was to superintend the receiving of our arms, as we delivered them up, he exclaimed: 'Well, gentlemen, in ten days, liberty and home.' . . . We now surrendered our arms, artillery, ammunitions, etc., to the Mexicans, who took immediate possession. Our officers were called to put theirs by themselves, which we did, in a box that was nailed up in our presence, with an assurance that they should be safely returned to us on our release, which they flattered us would shortly take place."<sup>17</sup>

Captain Shackelford confirms Colonel Holzinger's statement, as quoted by Dr. Barnard, and also gives his understanding of the articles of capitulation in almost identical language as used by Captain Holland.<sup>18</sup>

Dr. Field states that "When the two commanders met at a proper distance from their respective armies, the Mexican General Urrea embraced Col. Fannin and said, 'Yesterday we fought; but today we are friends.' Articles of capitulation were soon agreed upon by the two commanders, and committed to writing with the necessary signatures and formalities. The articles were, that in consideration of our surrendering, our lives would be ensured, our personal property restored, and we were to be treated, in all respects, as prisoners of war are treated among enlightened nations. We also

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<sup>17</sup> Barnard, *Journal*, 21; Linn, *Reminiscences*, 162-163. Spohn, *Lamar Papers*, I, 430-431.

<sup>18</sup> Shackelford, *Footnote*, II, 238-239.



received a verbal promise to be sent, in eight days, to the nearest port to be transported to the United States."<sup>19</sup>

Ehrenberg,<sup>20</sup> Boyle,<sup>21</sup> Kenedy,<sup>22</sup> Morgan,<sup>23</sup> Duval<sup>24</sup> — all agree with the other Texian accounts which have been quoted.

After the 'capitulation' had been signed, the Texian troops were formally notified through their officers; Captain Shackelford appears to have been the officer assigned to this duty.<sup>25</sup> Colonel Holzinger was the officer charged with supervising the details incident to the surrender.<sup>26</sup> At his direction the Texian soldiers marched some little distance from their camp and laid their muskets and government property in one pile, then marched a little further and put their private property, which included their pistols and dirks, in another pile. Abel Morgan, because of his loss of teeth, was permitted to retain his dirk.<sup>27</sup>

The Texian officers were directed to deposit their arms and military equipment separately from the enlisted men, as these articles were the officers' individual property. These items were tagged and nailed up in a box in the presence of the officers.<sup>28</sup> Colonel Fannin alone retained his sword, which he handed to General Urrea, who had advanced to receive it.<sup>29</sup>

But few of the Texian accounts dwell upon the reaction of Fannin's troops after the surrender had become completed. Most of the men had realized the helplessness and hopelessness of their previous situation and having been informed by their own officers that the terms of surrender were honorable, and with prospects of liberty and home, appear to have been relieved. A minority, they being principally from the New Orleans Greys and the Red Rovers, are pictured by Ehrenberg as being disgruntled and dissatisfied and as having cast reproachful glances towards Fannin and the officers who had arranged the surrender.<sup>30</sup> Spohn states that the great majority of the men were discontented with the terms of surrender.<sup>31</sup>

Ehrenberg gives a dramatic account of one of the Greys (Johnson), who was so outraged over the surrender that he threw a lighted cigar into the powder magazine and blew it and himself, as

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<sup>19</sup> Field, *Three Years in Texas*, 51-52.

<sup>20</sup> Bartholomae, *Ehrenberg*.

<sup>21</sup> Boyle, 13 Q. 287.

<sup>22</sup> Kenedy, *Texas*, 573.

<sup>23</sup> Abel Morgan, *Statement*, 10; Ramsdell, *Spanish Goliad*, 70-71.

<sup>24</sup> Duval, *Early Times in Texas*, 48-49.

<sup>25</sup> Kenedy, *Texas*, 573.

<sup>26</sup> Barnard, *Journal*, 21; Linn, *Reminiscences*, 162-163.

<sup>27</sup> Morgan, *An Account of the Battle of Goliad*.

<sup>28</sup> Barnard, *Journal*, 21, Linn, *Reminiscences*, 162-163; Spohn, *Lamar Papers*, I, 430-431.

<sup>29</sup> Kenedy, *Texas*, 573.

<sup>30</sup> Bartholomae, *Ehrenberg*, 166-167.

<sup>31</sup> Spohn, *Lamar Papers*, I, 430.

well as some Mexican soldiers who were visiting the camp, into Kingdom Come.<sup>32</sup>

After the surrender, all accounts agree, Mexican soldiers and officers, singly or in groups, came over to the Texian square, to gratify their curiosity. They mingled freely with the Texians and were very friendly. They were particularly interested in the artillery, which the day before had wrought havoc in their ranks but now stood in gloomy silence. It would seem that both Texians and Mexicans were generally smoking Havana cigars; and every account coincides that a lighted cigar was accidentally thrown by someone near a quantity of live ammunition and that the explosion occurred. Several men were killed and several injured by the explosion. Morgan states that a Mexican soldier threw down the lighted cigar, but most accounts state that a Texian was responsible for the accident.<sup>33</sup>

One sight which attracted curiosity and inquiry after battle was a number of deep, large round holes in the center of the square. At the time of the battle Fannin had with him 12 to 15 Mexican prisoners, most of whom had been captured at the San Carlos ranch. As soon as the square had been formed, these prisoners "got bayonets and began to dig holes in the ground and soon let themselves down under ground and so escaped being hurt."<sup>34</sup>

After the arms had been given up, the surgeons began giving attention to the wounded of both armies. Preparations were made for all prisoners who were not disabled by wounds or were not needed on the battlefield to march to Goliad. At least ten Texians had been killed or had died of wounds during the battle of the 19th. These men Alfred Dorsey, Conrad Eigenauer, John Jackson, John Kelly (Westover's company), William H. Mann, George McKnight (Westover's company), William F. Savage, and Archibald Swords, H. Francis Petrussewicz, and William Quinn (Westover's company), were buried by their comrades in the entrenchments which they so gallantly defended.<sup>35</sup>

The Texian prisoners who were able to walk left the battlefield about 2 o'clock P. M. under an escort of Mexican cavalry. They arrived at Goliad about sunset and were incarcerated in the old church.<sup>36</sup> The badly wounded of both armies (among whom were Colonel Fannin and Captain Fraser) were left on the battlefield, in

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<sup>32</sup> Bartholomae, *Ehrenberg*, 167-169.

<sup>33</sup> Morgan, *Account of the Battle of Goliad*; Kennedy, *Texas*, 573; Bartholomae, *Ehrenberg*, 167-169.

<sup>34</sup> Abel Morgan, *Statement*, 9; Duval, *Early Times*, 44.

<sup>35</sup> Davenport, *Men of Goliad*, 43 Q. 33.

<sup>36</sup> Shackelford, Foote, II, 539. Morgan, *Account of Battle of Goliad*.

charge of Doctors Barnard, Field, and Ferguson, with details of soldiers from both armies as aides; Colonel Holzinger with a detachment of Mexican soldiers stood guard.<sup>37</sup>

"... I think our wounded men were hauled in from the battle ground on Tuesday evening to Goliad, and were put into the old church. Twelve of us were put in there to wait on them. We had 51 wounded men and the four that I had before in my wagon made 55 we had to wait on. On the next day the Mexicans hauled in their wounded. How many there were I cannot say, but they had two hospitals outside of the fort and they placed 57 in the Church where ours were. The wounded Americans filled one side of the Church and the Mexicans filled the other."<sup>38</sup>

Dr. Barnard states that the Mexicans left over a hundred of their own badly wounded on the field under the care of the Texian doctors.<sup>39</sup> He estimates the Mexican dead to have been between 300 and 400.<sup>40</sup> He says the Mexican wounded were evacuated into Goliad first. The Texian wounded laid out on the field for three days after the battle. Colonel Fannin was left on the field for two days. The last contingent of the wounded, among whom were Captains Hugh M. Fraser, F. J. Dusanque, and Samuel O. Pettus, reached Goliad the night of the 22nd. Dr. Barnard went with the last contingent. He relates:

"At Manahuila Creek, we met General Urrea with about a thousand men going to Victoria. We made a short halt and then proceeded on. The captain of the escort appeared a very gentlemanly man, and endeavored to cheer up our spirits. Finding that Captain Dusanque could speak Spanish, he engaged him in a lively and cheerful conversation, dismounting and walking with us for several miles. We certainly were inspired with more confidence by his lively and cheerful manners. It was dark when we reached the San Antonio river, which we waded, it being about three feet deep.

"Perceiving some disorder among the carts which had not yet crossed, our Mexican Captain went back to them and the guard halted a moment on the east side. Captain Dusanque now remarked in a very serious tone, that contrasted strangely with the cheerful voice in which he had been conversing: "I am now ready for any fate." The words, and his manner, struck us with surprise, and he was asked if he had ascertained, by anything the

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<sup>37</sup> Barnard, *Journal*, 22; Field, *Three Years in Texas*, 52; Boyle, *Reminiscences*, 13 Q. 288; Duval, *Early Times*, 49.

<sup>38</sup> Morgan, *Account of the Battle of Goliad*.

<sup>39</sup> Barnard, *Journal*, 22.

<sup>40</sup> Duval, *Early Times in Texas*, 49 quoting Barnard.

Captain had said, that treachery was meditated. He said, "No," but repeated his former remark."<sup>41</sup>

While Fannin was being enmeshed in the web of Fate at Goliad, the schooner *William and Francis* put into the port of El Copano with Colonel William P. Miller and his *Nashville (Tennessee) Battalion* of 75 men aboard. The General Council had elected Miller a legion of cavalry to be raised by him. This was on December 20, 1835.<sup>42</sup> The appointment was afterwards confirmed by the Convention.<sup>43</sup> Miller went back to Tennessee to recruit his legion. Here he ran into difficulties with the United States authorities. Citizens complained to the United States attorney that Miller was encouraging their young men to leave their employ. In February, 1836, the authorities were investigating Miller's activities with view of prosecuting him for violating the neutrality laws.<sup>44</sup>

Miller, however, succeeded in recruiting his battalion and getting it out of Tennessee before the law laid violent hands upon him. The command embarked at New Orleans on the *William and Francis* and sailed March 2 (5) 1836 for Texas, El Copano being the destination.<sup>45</sup>

The schooner arrived at El Copano, unaware that the place had passed into Mexican hands. There is much contraity as to the date the vessel arrived in port. some accounts putting it as early as March 17, while others place it as late as the 22d.<sup>46</sup>

James Woods, one of Miller's men, relates: We "took passage on a sailing vessel [at New Orleans] and landed at Copano, Texas, March 17, 1836. Our company consisted of about seventy men under command of Captain William P. Miller. A portion of us had disembarked and rendezvoused in the chaparal bordering on the bay, when a large detachment of Mexicans under General Urrea swept down upon us, and we fell an easy prey to overwhelming numbers. A detachment was sent to capture the vessel, and succeeded without difficulty, and we were all placed under strong guard and marched to Fort Goliad without anything to eat on the march but raw meat. We were captured on the 20th and arrived at Goliad on the 24th."<sup>46. 1</sup>

The standard account of the incident, however, is as follows:

The Mexican garrison seeing a strange ship coming into the bay

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<sup>41</sup> Barnard, *Journal*, 22.

<sup>42</sup> *Journal of General Council*, G. L. I. 691.

<sup>43</sup> *Journal of Convention*, G. L. I. 879.

<sup>44</sup> Correspondence between Secretary of State and U. S. Attorney, February 10, 1836 to April 9, 1836, in *Kentucky Gazette*, June 6, 1836. Huson, *Reporting Texas*, 122-124.

<sup>45</sup> Bryan to Governor and Council, March 8, 1836 and March 14, 1836 Binkley, I, 487, 488, 502.

<sup>46</sup> For accounts of the landing and capture of Miller's battalion: Yoakum, II, 97; Brown, I, 608-609; Bancroft, II, 233; Huson, El Copano, 31-32; Binkley, Correspondence, II, 766-767; *Texas Almanac*, 1860, 74-75; Newspaper Accounts, Huson, *Reporting Texas*, 100, 122-124, 822; 4 Q. 82.

<sup>46.1</sup> Woods, *The Texian War*, *Louisville Courier-Journal*, reprinted in *Goliad Advance Guard*, March, 1929.



concealed themselves behind the bluff, so as to give the impression that the port was deserted. The stratagem succeeded. Miller's volunteers had been on board ship for an unusually long period and were cramped for exercise. Believing the port to be deserted, the soldiers began leaping overboard as the vessel neared the shore and were enjoying themselves swimming and wading to land, when the Mexican cavalry dashed from the bluff into the water and took the unarmed men by surprise. The volunteers had no recourse but to surrender. It would seem that those who remained aboard, seeing how the land lay, surrendered also.<sup>47</sup> The vessel is said to have escaped to Matagorda. It proved to be fortunate indeed for these men that they had landed in Texas *without arms in their hands*. This technicality was resorted to by Santa Anna to exempt them from the massacre.

Caro, Santa Anna's secretary, gives a different version of the capture of Miller's men. He says that Colonel de la Vara, in his official report of the capture, stated that "five men who were making their way to the fort, ignorant of the surrender of Fannin, declared that they had just landed at Copano and that their companions were still on board the vessel that had brought them. The Colonel informed them of Fannin's surrender and told them to ask their companions to land and surrender, promising them that they would be treated with all consideration if they surrendered without offering resistance. They acceded to his request and were all taken to the fort to await the disposition of his Excellency."<sup>48</sup> Caro adds that Santa Anna at first ordered their execution but later rescinded the order, as will be seen hereinafter.

Abel Morgan states, "The Mexican officers took Colonel Fannin down to Copano to get Miller to surrender. I do not know the arrangement that was made, but Miller and his men came up to Goliad and were stationed about a quarter mile from us and had the privilege of working about for themselves."<sup>49</sup>

Although at all events, the Nashville volunteers surrendered without resistance, they were not immediately kindly treated. Their captors bound them with thongs, binding their arms and legs so tightly as to stop circulation and cause excruciating agony.

It so happened that later the same day a Mexican war vessel arrived in the port from Matamoros with reinforcements and supplies

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<sup>47</sup> Huson, *El Copano*, 31-32; *Linn v State*, 2 Texas 317. *Royall to Hardeman*, August 25, 1836, Binkley, II, 965-966.

George H. Bringhurst, later a resident of Refugio County, was one of the men captured at El Copano.

<sup>48</sup> Caro, *Verdadera Idea*, Castaneda, 106-107.

<sup>49</sup> Abel Morgan, *Account of Battle of Coleto*, etc. MS. Ramsdell, *Spanish Goliad*.

for Urrea's army. On board the man of war were Captain Teleforo Alvarez and his saintly wife, Señora Francisco (Panchita) Alvarez, who a few days later was to become the "Angel of Goliad" Dr. Shackelford relates of her, "When she arrived at Copano with her husband (one of Urrea's officers), Miller and his men had just been taken, and were so tightly bound with cords as to check the circulation of the blood in their arms, and in this way had been left several hours. Her heart was so touched at the sight that she immediately ordered the cords to be taken off and refreshments given them. She treated them with great kindness . . ."<sup>50</sup>

The Nashville volunteers remained at El Copano until March 23, when they were marched to Goliad, where they arrived late on the 23d or early on the 24th.<sup>51</sup> There they were kept separate and apart from Fannin's men. Major Miller, who appears to have been a physician, or at least had some knowledge of the medical profession, immediately tendered his services to the Texian doctors as a medical aid.<sup>52</sup> After his capture at San Jacinto, General Santa Anna signed an order to Filisola ordering that Miller's men be put at liberty. However, these prisoners were then at Matamoros.<sup>53</sup>

Now, to return to Colonel William Ward and the Georgia Battalion and trace their movements after their evacuation of Refugio Mission about midnight of March 14.<sup>54</sup> Fannin's orders allowed Colonel Ward the option of falling back to Goliad or cutting across to Victoria. Edward Perry, the colonist who brought the order, declared it would be suicidal to go back to Goliad, and suggested the timber lines of the water courses as the safest route. There has been a conflict as to whether or not Perry offered to guide Ward to a place of safety. Some accounts have it that Perry made the offer but that Ward was suspicious of his fidelity and declined it, while others state that Ward asked Perry to act as guide; but the latter refused because "he did not want to be found in bad company." It appears to be true that Perry did not accompany Ward, as he was in Refugio the next morning.<sup>55</sup>

Ward's route appears to have been down the north bank of Mission River to near the mouth of Melon Creek, thence up Melon Creek some distance, and thence across the bald, rolling prairies to

<sup>50</sup> Shackelford, Foote, II, 245 also different version of Shackelford in Worthams, *History of Texas*, III, 263-264.

<sup>51</sup> Barnard, *Journal*, 23. See Davenport, *The Angel of Goliad*, in Huson version, *Dr. Barnard's Journal*, 51.

<sup>52</sup> Barnard, *Journal*, 23-24. Field, *Three Years in Texas*, 53.

<sup>53</sup> *Santa Anna to Filisola*, April 22, 1836. Binklev, II, 986.

<sup>54</sup> For Legislative Acts relating to Major Miller see G. L. II, 32, 36.

<sup>55</sup> See Chap. XV, ante.

<sup>56</sup> Sabina Brown, *Memoirs*.

the San Antonio River. The little army travelled through the woods and swamps, where the Mexican cavalry could not well pursue it. On the morning of the 16th it was within eight miles of the mission, and on the third day it reached Nicholas Fagan's ranch on the San Antonio River.<sup>56</sup> The Texians had exhausted their food supply before evacuating the Mission and during their long, circuitous trek to the San Antonio had nothing to eat and after leaving the creeks suffered for want of water.<sup>57</sup> On the first day after leaving Refugio, David I. Holt and a few of his comrades were detailed by Ward to go in search of water. They never rejoined their command, probably losing their way. However, they succeeded in eluding the *rancheros* and eventually made good their escape.<sup>58</sup> Enroute to the San Antonio other soldiers, singly or in groups, straggled off in search of water and food. They were never heard from again, most being picked up by de la Garza's *rancheros*, and later shot by Urrea's orders, at Refugio or at San Nicolas Lake.

The third night Ward's battalion encamped on the San Antonio River, below Fagan's ranch. Here they killed some cattle and obtained the first food they had had since leaving Refugio. After resting and refreshing themselves, they started up the river, trying to find a ford by which they might cross. After marching five or six miles without finding a place to cross, they marched back to the Fagan ranch. Here they killed some more cattle and cooked the meat in a nearby swamp. At Fagan's Ward found two Irish lads, who informed him that their fathers were about a mile away. Ward sent a detachment of soldiers with the lads to find the fathers and persuade them to guide the Texians to Victoria. After a while the party returned with the Irishmen, who agreed to act as guides but desired first to return to their homes and notify their families. The Irishmen departed but never returned.

After waiting several hours for his promised guides and apprehending that they had failed him, Ward began his march to Victoria, without their assistance.<sup>59</sup> His route took him within sound of the battle which Fannin was engaged in near the Coletto, ten miles distant.<sup>60</sup> On his hearing the noise of battle, Ward's first impulse was to try to make his way to the scene; but, realizing that he was without

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<sup>56</sup> Hardaway's Account, Foote, II, 256. S. T. Brown, *Texas Almanac, 1860*; Johnson, *Texas and Texans*, I, 435; Andrews, *Lamar Papers*, IV, Pt. 2, 237.

<sup>57</sup> Captain Bradford, *Frankfort Commonwealth*, June 8, 1836. Huson., *Reporting Texas*, 34, 117.

<sup>58</sup> Hardaway, Foote, II, 256; Baker, *Texas Scrap Book*, 160-165; Davenport, 43 Q. 31. Davenport gives the names of the water party as David I. Holt, William H. Butler, O. H. Perry Davis, Henry G. Hudson, Hugh Rogers and Richard Rutledge.

<sup>59</sup> Andrews, *Lamar Papers*, IV, pt. 2, 237.

<sup>60</sup> Hardaway, Foote, II, 256; Barnard, *Journal*, 24; A. J. Hitchcock, *Account*.



ammunition, and not knowing the situation, he decided to go on to Victoria. Hardaway says, "Night came on and the guns ceased to fire, and we could not proceed" to the place of battle. They went on to the Guadalupe swamp, where they remained all night.<sup>61</sup>

The Texians wandered through the swamps towards Victoria. Enroute numerous groups detached themselves from their command in an endeavor to save themselves. Some of these men got to Victoria ahead of Urrea's army, but were arrested and delivered to the Mexicans when they arrived shortly afterwards. Some of these stragglers were summarily shot; others were detained as workmen. Some of the stragglers headed north and were captured by Captain Pretalia on the Goliad-Victoria road, on the morning of the 21st. These captives were summarily shot.<sup>62</sup>

General Urrea and the advance guard of his army arrived at Victoria about 7:30 o'clock the morning of the 21st. The citizens of that place immediately delivered over to him six stragglers, who had previously entered the town. They also informed him that a party of Texians had been seen below the town. A cavalry squadron was sent out in quest of these stragglers, all of whom (some 20) were captured about 9:30 A. M.

At about 11 o'clock A.M. of the 21st, Ward, with the remainder of his battalion, emerged from the swamps into the prairie above the town of Victoria. They were almost immediately sighted by a body of 500 to 600 Mexican cavalry, who dashed to the attack. The Texians, or those of them who still had ammunition, fired two or three rounds into the enemy.<sup>63</sup> Having exhausted their ammunition, they fell back into the timber.<sup>64</sup> One of the Texians, Joseph L. Wilson, was killed in this skirmish.<sup>65</sup>

Ward, again being without provisions, had Captain Ticknor send out a foraging party. Some of this detail raided nearby Mexican houses and brought back some provisions, but others deserted and made their way into Victoria, where they were promptly captured.<sup>66</sup>

Hardaway relates that after the skirmish with the Mexican cavalry, "We then retreated back to the swamp, and every man was told to take care of himself. We there got scattered, and I never saw Colonel Ward or the company again, but understood that at night while I was asleep in the cane, that he rallied all the men he could, and made his

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<sup>61</sup> Hardaway, Foote, II, 256; Wooten, *History of Texas*.

<sup>62</sup> Urrea, *Diario*, Castaneda, 231.

<sup>63</sup> Urrea, *Diario*, Castaneda, 231.

<sup>64</sup> Hardaway, Foote, II, 256; S. T. Brown, Johnson, *Texas and Texans*, I; 435; *Texas Almanac*, 1860, 84.

<sup>65</sup> Davenport, 31. Andrews, *Lamar Papers*, IV, pt. 2, 237.

<sup>66</sup> Andrews, *Lamar Papers*, IV, pt. 2, 237.



way towards Demit's Landing . . ."<sup>67</sup> During the night of the 21st at least ten men, who considered they were "on their own," left the command and succeeded in making their way to safety.<sup>68</sup>

After nightfall Colonel Ward, with the remnant which stayed with him, commenced their march for Dimmitt's Landing, on Lavaca Bay, where they hoped to obtain supplies. They marched all night.<sup>69</sup> Urrea had been informed, perhaps by captured stragglers, of Ward's probable objective and sent out a force to intercept him.<sup>70</sup>

Ward arrived in the vicinity of the Lavaca on the morning of the 22d and about 9 o'clock sent out a detail to bring in some cattle to feed his famished men; another detail was sent to Dimmitt's Landing to ascertain who was in possession.<sup>71</sup> Urrea had reached Linnville early and had sent a detachment to take Dimmitt's Landing and sent out reconnoitering parties to locate the Texians.<sup>72</sup> Ward's details soon began to return with information that the enemy had made his appearance and that the landing was already in possession of the Mexicans. Four of the detail sent to the landing were captured by Urrea's men.

Ward was encamped in timber about two miles from Dimmitt's Landing. Urrea describes the place as Las Juntas, "where four creeks come together, ten leagues from Victoria." At 2 o'clock P. M., Urrea with a large force arrived at Las Juntas and had the place surrounded.<sup>73</sup>

S. T. Brown relates—

"Next day, twenty-second March, we halted to rest and conceal ourselves within two miles of our destination, sent two men to the Point to see who was in possession, and await their return. The remnant of the Mexican army that attacked the Mission, and was hovering over this quarter under Gen. Urrea, took the two men prisoners and surrounded us. The two men came within speaking distance of us, stated our situation and the power of the enemy, and desired Colonel Ward to see Gen. Urrea upon the terms of surrender; upon which Col. Ward, Major Mitchell and Capt. Ticknor had an interview with Gen. Urrea and returned, making known to us the offer of the enemy, if we surrendered prisoners of war, that we should

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<sup>67</sup> Hardaway, Foote, II, 256.

<sup>68</sup> Davenport, 43 Q. 31-32. Joseph Andrews, Captain Benjamin F. Bradford, Samuel G. Hardaway, Charles Frederick Heck, Allen Ingram, McK. Moses, L. T. Pease, Joel D. Rains, George Rounds and James P. Trezevant.

<sup>69</sup> Andrews, *Lunar Papers*, IV, pt. 2, 237; S. T. Brown, Johnson, *Texas and Texans*, I, 435; *Texas Almanac*, 1860, 84.

<sup>70</sup> Urrea, *Diario*, Castaneda, 231.

<sup>71</sup> Andrews, *op. cit.*

<sup>72</sup> Urrea, *Diario*, Castaneda, 231.

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be marched to Copano without delay, and from thence to New Orleans, or detained as prisoners of war and be exchanged. Col. Ward addressed his men and said he was opposed to surrendering, that it was the same enemy we had beaten at the Mission, only much reduced in numbers, and that he thought our chances of escape equally practicable as it was then. He proposed that the attack on us might be evaded until night, when we might possibly pass the enemy's lines and get out of danger. At all events, he thought it best to resist every inch, as many of us as could save ourselves, and if we surrendered, he had doubts of the faith and humanity of the Mexicans; that he feared we should all be butchered. The vote of the company was taken and a large majority were in favor of surrendering upon the terms proposed; Col. Ward informed them that their wishes should govern, but if they were destroyed, no blame could rest on him.

"The same officers as before, to-wit: Col. Ward, Major Mitchell and Captain Ticknor, again saw Gen. Urrea, and I understood a paper was signed by the Mexican General, to dispose of us as above stated, on condition that we should never serve Texas any more; one copy in Spanish and another in English. Then came the hour for us to see all our hopes entirely blasted. We marched out in order and grounded arms, cartouch-boxes and weapons of every kind. Our guns were fired off, the flints taken out, and returned to us to carry. When we left the Mission, on the night of the 14th of March, we had about a hundred men; at the time of the surrender we had only eighty-five, the others having left us on the route from the Mission to Victoria—a most fortunate thing for them."<sup>74</sup>

Urrea's account of the matter is as follows—

"With 200 infantry, 50 horses and 1 cannon I marched towards the port known as Linn's House. At two in the afternoon I arrived at a place called the Juntas where four creeks come together, ten leagues from Victoria. The enemy force that I was looking for had just arrived. Four members of their force, who were looking for food, were captured and they declared that the enemy was hiding in the nearby woods. I instantly took possession of all the avenues leading to and from the woods; and, having made certain that they could not escape without coming upon our soldiers, I sent one of the prisoners to inform their leader, warning him that if he and his force did not surrender immediately at discretion they would all perish shortly. Mr. Ward, the so-called colonel and leader of the force, solicited an interview with me, and five minutes of conversation were

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<sup>74</sup> S. T. Brown, in Johnson, *Texas and Texans*, I, 435 and *Texas Almanac* 1860, 84.

sufficient for him to agree to surrender with the 100 men under his command among whom were ten ranking officers. I decided to spend the night at this point (Las Juntas) ordering the cavalry to reconnoiter the port of Linn, where flour, sugar, rice and potatoes were found. These supplies were carried to Victoria and were distributed, without charge to the troops, agreeably to the orders of the general-in-chief.”<sup>75</sup>

Various Texian accounts state that Urrea advised Ward that Fannin had surrendered, and offered Ward the same terms of capitulation that had been granted to Fannin.<sup>76</sup> All Texian accounts agree that Ward had exhausted his ammunition, was entirely out of provisions, and his men weary and suffering from the hardships and privations of their long march.<sup>77</sup> Just how Ward expected to extricate himself from his apparently hopeless position is not clear. He was defenseless and had no alternative but surrender.

The Texians and their captors remained at Las Juntas, the night of the 22nd, starting back to Victoria early next morning.<sup>78</sup> Upon their arrival at Victoria about nightfall of the 23d, Urrea selected about 21 of his captives, including Hitchcock, Kennymore and the Callaghans, and retained them to build boats<sup>79</sup> and do other carpentering work for the Mexican army. Joseph Callaghan and James H. Neely, two of these, were subsequently citizens of Refugio County. The remainder of Ward’s survivors were marched to Goliad on the 25th, where they arrived late in the evening. The day of the 24th was spent by the Texians “in bringing the baggage of the Mexican army across the Guadalupe, about 400 yards from town, and hauling it up.”<sup>80</sup>

Ward’s men were thrown into the same prison area with those who had surrendered with Fannin.

One more episode remains to be related in order to complete the cast of victims of the tragedy of Goliad. It will be remembered that John James, a Power colonist, was the *sindico* or secretary of the *ayuntamiento* of Refugio. This colonist, who was the father of a family and had served with Dimmitt and in Fraser’s militia, was at Refugio after Ward evacuated the Mission. He had possession of the archives of the *ayuntamiento* and desiring to take them to a place of safety, left Refugio, taking the records with him. It appears that he

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<sup>75</sup> Urrea, *Diario*, Castaneda, 231-232.

<sup>76</sup> Barnard, *Journal*, 24.

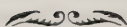
<sup>77</sup> S. T. Brown, Johnson, *Texas and Texans*, I, 435; *Texas Almanac* 1860, 84. Barnard, *Journal*, 24. Hitchcock, *Narrative*.

<sup>78</sup> Urrea, *Diario*, Castaneda, 233.

<sup>79</sup> Davenport, 43 Q. 32. Urrea, *Diario*, Castaneda, 234.

<sup>80</sup> S. T. Brown, Johnson, *Texas and Texans* I, 451; *Texas Almanac*, 1860; Barnard, *Journal*, 24; Hitchcock, *Narrative*; Urrea, *Diario*, Castaneda, 234.

headed for the San Antonio River, evidently intending to make his way to Goliad. When he arrived near the river, he was captured by the band of Mexican *rancheros* and Karankawa Indians under Captain de la Garza, who took him to Goliad where he was put with Fannin's men. John Hynes saw him in possession of his captors on their way to Goliad. James was shot along with the other Texians.<sup>81</sup>



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<sup>81</sup> Affidavit of John Hynes, October 6, 1858; affidavit of Walter Lambert, November 15, 1858; Affidavit of Edward Perry, November 19, 1858; Affidavit of Michael O'Donnel, September 10, 1858.



## CHAPTER XVIII

### THE GOLIAD MASSACRE



ALL TEXIAN survivors agree that the week's imprisonment of Fannin and Ward's men at Goliad was one of great hardship and suffering. The bulk of the prisoners were confined in the *presidio* church, where there was no space for movement. Although all of the Texian doctors labored early and late to attend the wounded, friends and foes alike, they were given little opportunity to attend their wounded comrades. Some of the Texian soldiers were detailed to assist the doctors, or to do chores about the *presidio*. Despite their uncomfortable situation, the Texans were cheerful and hopeful of eventual liberation. Not one of them, unless it might have been some of the ranking officers, considered his life to be in danger. As before stated, the Texans had been given to understand, at least by their own officers, that they were simply prisoners of war and were to be treated as such. This impression was generally confirmed by the words and conduct of the Mexican officers, whose acts belied the expectancy of the awful fate which hung over the prisoners.

Irrespective of the true terms of Fannin's surrender, it is evident that neither the Texian nor Mexican officers expected that the Mexican Congressional decree of death to foreigners participating in the war would be put into effect. That matter rested with Santa Anna alone. On March 24 Colonel Fannin, Adjutant Chadwick, and two or three other Texans, under a Mexican escort, commanded by Colonel Holzinger, set out on horseback from Goliad to El Copano, to see if a ship was available to transport the prisoners to New Orleans. Whether or no the *William and Francis* or the Mexican transports were still in the harbor when Fannin's party arrived, the records do not reveal. The party returned to Goliad on the 26th. Dr. Barnard dressed Fannin's wound while the colonel spoke of wife and children and of the kindness shown by Colonel Holzinger and other Mexican officers, who had expressed their opinions that the Texans would be sent back to the United States.

Dr. Barnard, in his journal entry for March 26, writes:

"Colonel Fannin, who, with his adjutant, Mr. Chadwick, had been sent to Copano, returned this day. They were placed in the small room of the church which had been appropriated to the sur-

geons and their assistants, and guard; rather crowded, to be sure, but we had become accustomed to that. They were in good spirits and endeavored to cheer us up. They spoke of the kindness with which they had been treated by the Mexican Colonel Holzinger, who went with them, and their hopes of our speedy release. Fannin asked me to dress his wound, and talked about his wife and children, with much fondness, until a late hour. I must confess that I felt more cheerful this evening than I had since our surrender. We had reiterated assurance of a speedy release, it is true, by the Mexicans, though we placed little reliance on them. Yet we had at last got our wounded men in and they could be attended to each day, which was very satisfactory all around. Our fare had been of the hardest, being allowed no rations but a little beef or broth. Now we had been able to purchase from camp followers some coffee and bread, more grateful to me than any luxury I had ever tasted, and after sleeping on the ground without a blanket, from the time of our capture, I had at last succeeded in getting an old, worn out one, upon which I had laid down to rest this evening with more pleasure and happier anticipations than I had before allowed myself to indulge in.”<sup>1</sup>

Dr. Shackelford gives an almost identical account of his last evening with Colonel Fannin and adds, “Many of our young men had a fondness for music, and could perform well, particularly on the flute. In passing by them to visit some wounded, on the outside of the Fort, my ear caught the sound of music, as it rolled in harmonious numbers from several flutes in concert. The tune was ‘Home Sweet Home.’”<sup>2</sup>

The Texian prisoners were unaware that at 7 o’clock on that night of the 26th a courier had arrived from Bexar and delivered to Lieutenant Colonel Nicolas de la Portilla, the commandant at Goliad, an order<sup>3</sup> couched in the following language:

“I am informed that there have been sent to you by General Urrea two hundred and thirty-four prisoners, taken in the action of Encinal de Perdido on the 19th and 20th of the present month; and, as the supreme government has ordered that all foreigners taken with arms in their hands, making war upon the nation, shall be treated as pirates, I have been surprised that the circular of the said supreme government has not been fully complied with in this particular; I therefore order that you should give immediate effect to the said ordinance in respect to all those foreigners, who have yielded

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<sup>1</sup> Barnard, *Journal*, 24.

<sup>2</sup> Shackelford, Foote, II, 240-241.

<sup>3</sup> Urrea, *Diario*, Castaneda, 234; Portillo, *Diario*, Castaneda, 236.

to the force of arms, having had the audacity to come and insult the Republic, to devastate with fire and sword, as has been the case in Goliad, causing vast detriment to our citizens; in a word shedding the precious blood of Mexican citizens, whose only crime has been fidelity to their country. I trust that, in reply to this, you will inform me that public vengeance has been satisfied, by the punishment of such detestable delinquents. I transcribe the said decree for your guidance, and, that you may strictly fulfill the same, in the zealous hope, that, for the future, the provisions of the supreme government may not for a moment be infringed.

ANTONIO LOPEZ DE SANTA ANNA

Headquarters, Bexar.<sup>4</sup>

Santa Anna at the same time, March 23, addressed a letter to General Urrea, enclosing copy of the quoted order. In this letter Santa Anna wrote:

"In respect to the prisoners of whom you speak in your last communication, you must not fail to bear in mind the circular of the supreme government, in which it is decreed, that foreigners invading the republic, and taken with arms in their hands, shall be judged and treated as pirates."<sup>5</sup>

Colonel Miller's men, captured at El Copano, were exempted from the order for the execution, or at any rate were not executed. Martinez Caro, who had been secretary to Santa Anna, states:

"Fortunately, when Captain D. N. Savariego, bearer of the order, learned that it extended to the eighty-three men, he asked to be allowed to speak to His Excellency, and I myself led him to the room where he was. Captain Savariego told him that the colonel who had taken these men had asked him to ask the clemency for the unfortunate prisoners who had surrendered without making use of their arms. Hardly had he spoken, when for his reply he received such bitter reproof that he left the room disgusted. At the same time, His Excellency called me and ordered me to alter the order which had already been written in final form, instructing the commandant of Bahia to hold the eighty-three prisoners until a thorough investigation was concluded concerning the circumstances of the surrender, allowing them only one ration of meat a day."<sup>6</sup>

Colonel Portilla, in his diary entry for the 26th, writes—

"At seven in the evening I received orders from General Santa Anna by special messenger, instructing me to execute at once all

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<sup>4</sup> *Santa Anna to Portilla*, March 23, 1836; Brown, *History of Texas*, I, 618.

<sup>5</sup> *Santa Anna to Urrea*, March 23, 1836; Brown, *History of Texas*, I, 617-618.

<sup>6</sup> Caro, *Verdadera Idea*, Castaneda, 106-107.

prisoners taken by force of arms agreeable to the general orders on the subject. (I have the original order in my possession.) I kept the matter secret and no one knew of it except Colonel Garay, to whom I communicated the order. At eight o'clock, on the same night, I received a communication from Gen. Urrea by special messenger, in which among other things he says, 'Treat the prisoners well, especially Fannin. Keep them busy rebuilding the town and erecting a fort. Feed them with the cattle you will receive from Refugio.' What a cruel contrast in these opposite instructions; I spent a restless night."<sup>7</sup>

General Urrea states—

"On the 27th, between nine and ten in the morning, I received [at Victoria, 23 miles from Goliad] a communication from Lieut.-Col. Portilla . . . telling me that he had received orders from His Excellency, the general-in-chief, to shoot all the prisoners and that he was making preparations to fulfill the order. This order was received by Portilla at seven in the evening of the 26th, and although he notified me of the fact on the same date, his communication did not reach me until after the execution had been carried out." Urrea professes great distress upon hearing this news, and endeavors to exculpate himself. He proceeds, "The orders of the general-in-chief with regard to the fate decreed for prisoners were very emphatic. These orders always seemed to me harsh, but they were the inevitable result of the barbarious and inhuman decree which declared outlaws those whom it wished to convert into citizens of the republic. Strange in consistency in keeping with the confusion that characterized the times!" [It is to be noted that previously Urrea had construed the decree to relate only to foreigners and not to colonists. In prior entries he had taken pains to state that while he executed the foreigners, he set free those who were colonists.]

"I wished to elude these orders as far as possible, without compromising my personal responsibility; and, with this object in view, I issued several orders to Lieut.-Col. Portilla, instructing him to use the prisoners for the rebuilding of Goliad. From this time on, I decided to increase the number of prisoners there in the hope that their very number would save them, for I never thought that the horrible spectacle of that massacre could take place in cold blood and without immediate urgency, a deed proscribed by the laws of war and condemned by the civilization of our country. It was painful to me, also, that so many brave men should thus be sacrificed,

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<sup>7</sup> Portilla, *Diario*, Castaneda, 236.



particularly the much esteemed and fearless Fannin. They doubtlessly surrendered confident that Mexican generosity would not make their surrender useless, for under any other circumstances they would have sold their lives dearly, fighting to the last. I had due regard for the motives that induced them to surrender, and for this reason I used my influence with the general-in-chief to save them, if possible, from being butchered, particularly Fannin, I obtained from His Excellency only a severe reply, repeating his previous order, doubtlessly dictated by cruel necessity. Fearing, no doubt, that I might compromise him with my disobedience and expose him to the accusations of his enemies, he transmitted his instructions directly to the commandant at Goliad, inserting a copy of the order to me.”<sup>8</sup>

Colonel Portilla states, that at daybreak of the 27th (it being Palm Sunday) he decided to carry out the orders of the commander-in-chief because he considered them superior. (From the finesse shown in executing them, both he and his subordinates must have spent several hours planning the details.) Having reached this fateful decision, he assembled the whole garrison, gave his instructions as to the manner the brutal order was to be executed, and assigned his officers to specific parts in the performance. The prisoners, numbering 445, were to be awakened and divided into three groups, which were to be separated and taken to remote spots and shot without warning. The three execution detachments were given to the command of Captains Augustin Alcerrica, Luis Balderas and Antonio Ramirez, respectively. The instructions having been given, the subalterns proceeded without ado to carry them into effect.<sup>9</sup>

The prisoners, who were still asleep, were awakened, and marched into line and counted. They were evidently instructed to turn out with full marching equipment, as the various accounts refer to knapsacks and blankets.<sup>10</sup> One Texian account states the number aggregated 480 men. They were divided into four equal groups, of 120 each.<sup>11</sup> Duval says only three divisions. Captain Holland gives a vivid picture of what then transpired.

“The Mexicans had always said that Santa Anna would be at La Bahia on the 27th to release us. Accordingly on that day, we were ordered to form all the prisoners; we were told that we were going to bring wood and water, and that Santa Anna would be there that day; we were ordered to march all the officers at the head of

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<sup>8</sup> Urrea, *Diario*, Castaneda, 234-235.

<sup>9</sup> Portilla, *Diario*, Castaneda, 236.

<sup>10</sup> Kenedy, *Texas* 578; Ehrenberg.

<sup>11</sup> S. T. Brown, Johnson, *Texas and Texans*, I, 435, *Texas Almanac* 1860, 84.

the file, except Col. Fannin, who lay wounded in the hospital. As we marched out of the sally port we saw hollow squares formed ready to receive us; we were ordered to file left, and marched into a hollow square of double filed cavalry, on foot, armed with carbines, (commonly called *scopets*) and broad swords.

"This square was filled and closed, and the head of the remaining files wheeled off into the other squares, and so on, until all were strongly guarded in squares; the company of which this writer was one, was ordered to forward and no more was seen of our unfortunate comrades; we were marched out in the Bexar road, near the burying ground, and as we were ordered to halt, we heard our companions shrieking in the most agonizing tones, 'Oh God! Oh God! Spare us!'" and nearly simultaneously a report of musketry. It was then we knew what was to be our fate. The writer of this then observed to Major Wallace, be best to make a desperate rush—he said, 'No', we were too strongly guarded—he then applied to several others, but none would follow; he then sprung and struck a soldier on his right a severe blow with his fist, they being at open files, the soldier at the outer file attempting to shoot him, but too close was unable, the soldier then turned his gun and struck the writer a severe blow upon the left hand. I then seized hold of the gun and wrenched it from his hand and instantly started and ran towards the river . . ." Holland escaped and joined General Houston's army on April 10.<sup>12</sup>

Simpson, Cooper and Brooks, three survivors, made an affidavit at New Orleans, in which they stated; "that early in the morning of the eighth day they [the prisoners] were ordered out, unarmed, in four divisions to hunt up beeves, as they were informed; that they had not proceeded more than 300 yards from the fort, when they were ordered to halt, lay down their blankets, and face about; they did so, and were fired upon by the guards; that nearly every man in this division was killed by this fire—deponents not being wounded, made their escape running—the other three divisions were fired on at the same time . . ."<sup>13</sup>

Ehrenberg, in his picturesque style, gives his version of the massacre.

"The cannon that had formerly guarded the entrance [of the fort] were turned around during the night and directed at our quarters. Apparently they were heavily loaded. On the other side of

<sup>12</sup> Holland, *Frankfort (Ky.) Commonwealth*, June 1, 1836. Huson, *Reporting Texas*, 32-33.

<sup>13</sup> Zachariah Brooks, William Simpson and Dillard Cooper, *Joint Affidavit*, *Kentucky Gazette*, May 23, 1836. Huson, *Reporting Texas*, 113-114.

them stood the artillerymen with burning torches ready to fire at the first wink. In front of us stood several companies [Mexican] in dress uniforms, which, however, were very shabby and made of the coarsest material. They did not have the least camp equipment with them, which, however, we did not notice, as they as a rule had little or nothing to take with them. I believe that I can frankly assert that not one of the Texans noticed it.

"At last an officer stepped among us with Santa Anna's orders in his hands of which he did not let us know any more than that we were to march off at once. It was eight o'clock in the morning. Where to? To Copano or to Matamoros? was not revealed to us and we were left to surmise. Short time was necessary for us to make our preparations to leave this place of misery, and in a few minutes we stood in position two men deep, with the exception of Colonel Miller's detachment, which, as previously stated, lay outside of the fort. Furthermore, Fannin, the physicians and assistants, the interpreter and the wounded were missing who were later to be brought to New Orleans by a nearer way.

"After the roll had been called for the last time and after the last echo of the oft repeated "Here" that accompanied the calling of the different names had died away, the order to march was given; and the Greys marched ahead under the command of First Lieutenant McMannemy of the Greys of Mobile through the dark gate . . .

"Outside the gate we were received on each side by a troop of Mexicans. Like us, they had been placed man behind man to form two rows. Thus inclosed we marched forward. We were close to 400 men and the enemy at least 700, not counting the cavalry that was swarming about on the prairie in little detachments.

"From now on it is possible for me to give an account of my own experiences and to tell that of the others according to other, already named sources, which however, are no less reliable than mine, I can assure you, as three and sometimes more eye witnesses told identically the same account. And the Mexicans did not deny the things maintained by them.

"Quietly the column marched forward on the road toward Victoria, contrary to our expectations. Where they were going to take us in this direction was an object of general consideration for us. Most of us seemed to think they were taking us to an eastern harbor in order to ship us to New Orleans from there, which finally would be the same, and it would even be nearer and better for us this way.

"The intolerable silence of the usually talkative Mexicans and the sultry heat increased the nervous expectations that were now lying on the breasts of all of us. This death march, as one can with justice call it, often recalls to my memory the bloody scenes that I was to witness at that time. Anxiously I looked back to the rear part of the column to see if Miller's people were marched off at the same time with us. But imagine my astonishment when neither Miller's men nor the last captured Georgia Battalion was to be seen! They had separated us without our noticing it, and only the Greys and a few of the colonists [Westover's and Frasers] were marching in the detachment with which I was. I glanced over at the escort and now first I noticed their festal uniforms and the absence of camping equipment. Bloody pictures rose in my mind . . . [Ehrenberg slipped off and dropped his equipment so that he would not be impeded in case of necessity].

"Probably a quarter of an hour had passed since we had left the fort, and not a word had passed over our lips, nor over those of the enemy. Everyone seemed to have dropped into deep reflections. Suddenly the command of the Mexican sounded to march off to the left from the main road; and as we did not understand, the officer led the way himself. My companions in misfortune still carelessly followed the leader. To our left a little five or six feet high mesquite hedge extended straight to the roaring San Antonio River about a thousand yards away, whose clear waves here at right angle with the hedge pushed their way through bluffs between 30 to 40 feet high, which rise practically perpendicularly from the water level on this side. Our feet were directed down the hedge and towards the river. Suddenly the thought seized everyone: 'Where with us in this direction?' This and several mounted lancers to our right, to whom we had previously given no attention, confused us. And now we noticed that the line of the enemy between us and the hedge had remained behind and was now lining up on the other side so that they formed a double file here. Unable to comprehend this movement, we were still in a maze, when a 'Halt!' was commanded in Spanish, which ran through us like a death sentence. At that moment we heard the muffled rolling of a musket volley in the distance. Involuntarily we thought of our companions, who had been separated from us and evidently led off in that direction.

"Astonished and confounded, we looked at each other, and cast questioning glances first at ourselves and then at the Mexicans. Then another command rang out—"Kneel down!" from the lips of



the Mexican officers. Only a few of us understood Spanish and could not or would not obey the order. Meanwhile the Mexican soldiers, who were barely three steps away, had leveled their muskets at our chests and we found ourselves in terrible surprise.

"We still considered it impossible to believe that they were going to shoot us. Otherwise, what would we not have done in despair in order to sell our lives dearly! . . .

"Only one among us spoke Spanish fluently, to whom the words seemed incomprehensible to him. In doubt he stared at the commanding officer as if he wanted to read a contradiction on his features of what he had heard. The remainder of us fixed our eyes on him to thrust ourselves on the threatening enemy at the first sound from his lips. . . . With threatening gestures and drawn sword the chief of the murderers for the second time commanded in a brusque tone: "Kneel down!"

"A second volley thundered over to us from another direction, and a confused cry, probably from those who were not immediately killed, accompanied it. This startled our comrades out of their stark astonishment which had lasted from five to six seconds. New life animated them, their eyes flashed, and they cried out: 'Comrades! Listen to that crying, it means our brothers, hear their cry! It is their last one! Here is no more hope—the last hours of the Greys has come! Therefore—Comrades—'

"A terrible cracking interrupted him and then everything was quiet. A thick smoke slowly rolled toward the San Antonio. The blood of my lieutenant was on my clothing, and around me quivered my friends. Beside me Mattern and Kurtman were fighting with death. I did not see more. I jumped up quickly, and concealed by the black smoke of the powder, and rushed down the hedge to the river. . . ." <sup>14</sup>

The fate of the wounded Texians is related by Andrew M. O'Boyle, an Irish colonist and member of Westover's company. He says

"Just one week after the surrender, all the [un]wounded men were marched out of the fort in separate divisions and shot. Soon after, a Mexican officer came into the hospital, and ordered me to tell all those able to walk to go outside. I interpreted for him, and the men commenced gathering up their blankets. In the meantime, four Mexican soldiers came in and began to carry out those who were too severely wounded to walk. I was assisted by two comrades

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<sup>14</sup> Bartholomae, *Ehrenberg*, 186-190.

who were but slightly wounded. As we passed the door an officer told me we were all to be shot. This I told the men. The wounded were placed in the corner of the yard upon which the church door fronts. A company of soldiers formed in front of us and loaded their pieces with ball cartridge. Then a file of men under a corporal took two of our number, marched them out toward the company, and after bandaging their eyes, made them lie with their faces to the ground, after which, placing the muzzles close to their heads, shot them as they lay. At this time an officer, apparently of distinction, came into the yard and asked in a loud voice, in English, whether anyone named Boyle was there or not. I was near him as he entered, and answered at once. He then ordered an officer to take me to the officers' hospital and have my wound attended to, saying that he would call upon me there. When I arrived at the hospital the Mexican officer seemed kindly disposed to me, and gave me a pair of '*armas de pelo*' to lie on. Mr. Brooks, aide to Colonel Fannin, was there at the time, with his thigh badly shattered near the hip. I found him entirely ignorant of what had been going on. Upon being informed he said, 'I suppose it will be our turn next.' In less than five minutes four Mexicans carried him out, cot and all, placed him in the street not fifteen feet from the door, in a position in which I could not avoid seeing him, and there shot him. His body was instantly rifled of his gold watch, stripped, and thrown into a pit at the side of the street.

"A few hours after the murder of Mr. Brooks, the officer who had asked for me in the yard came into the hospital. Addressing me in English he said; 'Make your mind easy, Sir; your life is spared.' I asked if I might inquire the name of the person to whom I was indebted for my life. 'Certainly,' said he, 'my name is General Francisco Garay, second in command of Urrea's division.' He had taken my name and description from my sister, Mary, at whose house he had been quartered while his division occupied San Patricio, and by whom and my brother Roderick he had been kindly treated. She and my brother had refused all remuneration from him, only asking that if I should ever fall into his hands I should be kindly treated. . . ."<sup>15</sup>

We come now to the end of Colonel Fannin, whose execution appears to have been reserved for the last. While Captain Shackel-

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<sup>15</sup> Boyle, *Reminiscences of the Texas Revolution*, 13 .Q 288-290. See letters of Drs. Field and Shackelford to the Brooks family relative to death of Captain John Sowers Brooks, 9 Q. 196-202.

Abel Morgan, *Account of the Battle of Goliad*, also gives detailed account of killing of the wounded prisoners.

ford is usually used as the authority for Fannin's last moments,<sup>16</sup> Joseph H. Spohn, appears to have been more personally connected with this incident, and we will quote his account as written in the *New York Evening Star*:

"Some difficulty existing in consequence of the [Texian] physicians not being able to speak the Spanish language an interpreter was necessary, and Spohn our informant was selected as such, from his knowledge of the language. On Palm Sunday, being 27th of March, the prisoners were formed into line, and our informant who was then sleeping in the church (the hospital) being about 6 o'clock in the morning, was called out and told to fall into line; being the last, he fell in at the end. They were marched out of the fort and ranged before the gate when an officer stepped up and asked Spohn what he was doing there, and ordered him back to the hospital where he was wanted, and when on his way was stopped by another officer who told him to order the assistants to have the wounded of the Texians brought into the yard; such as could not walk were to be carried out. Being astonished at these preparations, he asked why, when the officer said, 'Carts were coming to convey them to Copano, the nearest seaport.' The orders of the officers were obeyed and the wounded men brought into the yard, and they were all full of the hope that they were to be shipped to the United States, which had been promised; but their hopes were cruelly blasted when they heard a sudden continued roar of musketry on the outside of the fort, and observed the soldier's wives leap upon the walls and look towards the spot where the report came from. The wounded were then conscious of what was passing, and one of them asked Spohn if he did not think their time was come; and when they became convinced from the movements about the fort that they were to be shot, greater part of them sat down calmly on their blankets resolutely awaiting their miserable fate; some turned pale, but not one displayed the least fear or quivering. Spohn who was employed in helping them out was accosted by a wounded Mexican soldier on whom he attended, and told to go and ask the commandant for his life, as he might save him, as they were all to be shot.

"About this time Col. Fannin, who had a room in the church for his use, came out of the church for a particular purpose, when a Mexican captain of the battalion called *Tres Villas*, with six soldiers, came up to Spohn and told him to call Col. Fannin, at the

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<sup>16</sup> Shackelford, Foote, II, 241-243.



same time pointing to a certain part of the yard where he wished him to be taken; Spohn asked him if he was going to shoot him; and he coolly replied, 'Yes'. When Spohn approached Fannin, the colonel asked what was that firing, and when he told him the facts he made no observation, but appeared resolute and firm, and told him he also was to be shot, which made no visible impression on Col. Fannin, who firmly walked to the place pointed out by the Mexican captain, placing his arm upon the shoulder of Spohn for support, being wounded in the right thigh, from which he was very lame.—All this while, the soldiers were taking the wounded, two at a time, near the gate, and setting them down on the ground and bandaging their eyes, would shoot them off with the same indifference they would a wild animal. There were three soldiers to each two, so that if after the discharge of two muskets, death should not have dealt forth the third soldier placed the muzzle of the musket near their head or breast and so ended them.

"When Col. Fannin reached the spot required, the N. W. corner of the fort, Spohn was ordered to interpret the following sentence: 'That for having come with an armed band to commit depredations and revolutionize Texas, the Mexican government were about to chastise him! As soon as the sentence was interpreted to Fannin, he asked if he could not see the commandant. The officer said he could not, and asked why he wished it. Col. Fannin then pulled forth a valuable gold watch, which he said belonged to his wife, and he wished to present it to the commandant. The captain then said he could not see the commandant, but if he would give him the watch he would thank him and he repeated in broken English, '*tank you—me tank you*'. Col. Fannin told him he might have the watch if he would have him buried after he was shot, which the captain said should be done—'*con todas las formalidades necesarias*'—at the same time smiling and bowing.

"Col. Fannin then handed him the watch, and pulled out of his right pocket a small bead purse containing doubloons, the clasp of which was bent, he gave this to the officer, at the same time saying that it had saved his life, as the ball that wounded him had lost part of its force by striking the clasp, which it bent and carried with it into the wound; a part of a silk handkerchief which he had in his pocket, and which on drawing out, drew forth with it the ball. Out of the left pocket of his overcoat, (being cold weather he had on one of India Rubber) he took a piece of canvass containing a double handful of dollars, which he also gave to the officer.



"Spohn was then ordered to bandage his eyes, and Col. Fannin handed him his pocket handkerchief. He proceeded to fold it, but being agitated he done it clumsily, when the officer snatched it from his hand and folded it himself, and told Col. Fannin to sit down on a chair which was near, and stepping behind him bandaged his eyes, saying to Col. Fannin in English, 'good? good?' meaning if his eyes were properly bound—to which Fannin replied, 'yes, yes'. The captain then came in front and ordered his men to unfix their bayonets and approach Col. Fannin, he hearing, them nearing him, told Spohn to tell them not to place their muskets so near as to scorch his face with the powder.' The officer standing behind them, after seeing their muskets were brought within two feet of his body, drew forth his handkerchief as a signal, when they fired and poor Fannin fell dead on his right side on the chair, and from thence rolled into a dry ditch about three feet deep, close by the wall."<sup>17</sup>

Dr. Barnard states that the bodies of the wounded prisoners, including that of Colonel Fannin, were piled upon a cart and drawn out of the fort to a place about a quarter of a mile distant and there thrown out.<sup>18</sup>

Regarding the death of Colonel Ward, S. T. Brown relates that after he was recaptured he was taken back to Goliad and found Miller's battalion still there. "One of its members, McCoy, told me the particulars of Ward and Fannin's deaths, as he said he was an eye-witness. After all the men had been shot, the time of the officers came. Colonel Ward was ordered to kneel, which he refused to do; he was told, if he would kneel, his life might be spared. He replied, they had killed his men in cold blood, and that he had no desire to live; death would be welcome. He was then shot dead."<sup>19</sup>

The awful deed having been consummated, the Mexicans next proceeded to dispose of the corpses of their almost four hundred victims. Funeral pyres were built at the sites where each contingent of prisoners had fallen. The bodies of the Texian officers and wounded men who had been killed in and near the presidio were loaded onto wagons or carts and thrown upon the closest pyre. The bodies were stripped of most clothing and all valuables, piled upon the several pyres and then burnt. Again quoting the Spohn narrative, "Two or three days after [the massacre] Spohn was taken

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<sup>17</sup> Spohn, *Massacre of Fannin's Men*, *Lamar Papers* I, 430-433 (from *New York Evening Star*). See also McCoy's statement to S. T. Brown, *Johnson, Texas and Texans*, I, 435.

<sup>18</sup> Barnard, *Journal*, 26.

<sup>19</sup> S. T. Brown, *Johnson, Texas and Texans*, I, 435.

by a Captain Corona to the place outside the fort, where his countrymen had been murdered and piled up one on top the other, and partially burnt or roasted, presenting a most frightful, horrible and disgusting spectacle by which he found that they had been divided into four parties before they were shot, as there were four piles, surrounded by torn pieces of bloody clothing, shoes, caps, pocket books and papers. Amongst the rest was the bloody cap of Fannin, which leads us to expect he was burnt or roasted with the others.”<sup>20</sup>

Abel Morgan relates:

“After the business was arranged we started back to Goliad. Now we had not had a drink of water or a morsel to eat from Sunday morning, and this was Monday evening. About dusk we got the chance to drink for we had to wade the San Antonio River about arm-pit deep, then marched up to the Church dripping wet to sit flat down on a stone floor. One sat and leaned on your back, you leaned on another’s back. There we sat until next evening. We had then been without food from Sunday morning until Tuesday morning. We were taken out of the Church and put into what might be called a pen, or certain boundary, with guards all around. This evening we were to draw rations. I got a bit of fresh beef; I boiled it in my cup, when it was done it was not a bit larger than a turkey egg. I had no salt, no bread, nothing but to eat the beef and drink the broth from it. That was the first I had eaten from Sunday morning. I cannot say that I suffered with hunger. About that quantity was what we all got and that but once a day until after the massacre.”<sup>21</sup>

It will be remembered that Refugio and San Patricio were represented in the Battle of Coleto and in the massacre by two military units, Westover’s regulars and Fraser’s Refugio Militia. In the Battle of the 20th George McKnight, John Kelly, William Mann, and William Quinn were killed and later buried on the battleground.<sup>22</sup> Judge W. L. Rea questions the death of McKnight. He states that McKnight survived the massacre and was teaching school in Refugio County many years afterwards.<sup>23</sup> Captain Hugh M. Fraser was badly wounded in the battle. Of Westover’s company, only the following survived the massacre of the 27th: Lt. Francis W. Thornton (who was absent at time of battle); Lt. Bennett McNelly (who was in

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<sup>20</sup> Spohn, *Account of Fannin Massacre, Lamar Papers*, I, 433-434. *Letter from Mexican officer*, March 27, 1836, *Frankfort Commonwealth*, June 15, 1836, *Huson, Reporting Texas*, 37-38. Morgan, *Account of the Battle of Goliad*, also gives account of burning of the Texian’s corpses, but says this was after Mexican’s learned of the Battle of San Jacinto.

<sup>21</sup> Morgan, *Account of Battle of Goliad*.

<sup>22</sup> Davenport, *Men of Goliad*.

<sup>23</sup> Rea, *Memoirs*. But see Act January 17, 1842, for relief of Heirs of George McKnight. G. L. II, 805. *Estate of George McKnight*, Probate Records, R. C. *Estate of John Kelly*, Probate Records, R. C.

hospital at Velasco at time of battle), George Deadrick, who escaped and fought at San Jacinto; Nathaniel Hazen, escaped and was at San Jacinto; Charles Jensen (who was with King at Refugio but got back to Goliad) who was spared by Colonel Holzinger; David J. Jones, spared; Abel Morgan, alias Thomas Smith, spared; Daniel Murphey, escaped and fought at San Jacinto; Andrew M. O'Boyle, spared by Colonel Garay; George Pittuck, escaped; Edward Quirk, escaped and fought at San Jacinto; Charles Smith, spared. The fate of the following is not definitely known: Marion (Marvin) Betts, young Cash (teen-aged son of G. W. Cash), A. B. Hannan, G. F. Pittman, Lewis Shotts, Daniel Syers, and John W. Thompson. It is presumed that all of them perished in the massacre. Antonio Sayle is generally listed as killed with Westover's company. However, it appears that he was in the mission of Refugio and remained in the town after the battle and was shot at the behest of local Mexican Tories.

Only a part of Fraser's militia was in the Battle of Coleto. Fraser, as has been stated, was severely wounded, and most authorities say that he was massacred with Fannin's men. According to others, he managed to escape, despite his wounds, and fought at San Jacinto. The name Hugh Fraser appears on the rolls of San Jacinto heroes.<sup>24</sup> Of Fraser's company who were in the Battle of Coleto, James W. Byrne, John Fagan, Nicholas Fagan, Edward Perry, Anthony Sydick, and John B. Sydick were saved upon recommendations of Captain Carlos de la Garza. George W. Carlisle, Edward Fitzsimmons, William Gould, and John Williams (of Lipantitlan fame) were shot with Fannin's men. George Morris, who seems to have been with Fraser's detachment and was spared or escaped, fought at the Battle of San Jacinto. John M. Power, a distant relative of Colonel Power, also perished at Goliad.

John James, it will be remembered, was the *sindico* of the *ayuntamiento* of Refugio. Davenport states that he was captured at Refugio, March 15-16, and taken to Goliad. However, the local account is that, upon the arrival of Urrea's army at Refugio, James gathered up the *archives* of the *ayuntamiento*, and attempted to take them to a place of safety. He tried to make his way across country to Goliad but was captured by Captain de la Garza's *rancheros*, and taken to Goliad, where he was put with Fannin's men. Edward Perry testified, "He started to Goliad, and left his children at my place [on the San Antonio River] . . . after the massacre I took his

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<sup>24</sup> Davenport, *Men of Goliad* 43 Q. *Estate of Hugh Frazier*, Probate Records, Refugio County; also another administration in Jackson County.



children down to Linnville, where I left them." John Hynes testified, "I saw him a prisoner with a party of Carancahua Indians and Mexicans on their way to Goliad, where Colonel Fannin and his men were then prisoners."<sup>25</sup>

Mary A. Mitchell in her *First Flag of Texas Independence* relates:

"During the occupation of Goliad by Fannin and his regiment, which John James joined after Dimmitt's evacuation, on receipt of the news of the Mexican's intention to attack the Texians, he was given a leave of absence to make arrangements for the removal of his family to a place of safety. After having done so, accompanied by Nicholas Fagan, . . . he returned just in time to fall a victim to their atrocity and ruthlessness. Upon arrival at the town, both were arrested and thrown into prison with Fannin's men at La Bahia, where they had been incarcerated since their surrender. . . . However, during the time of their imprisonment, John James and Nicholas Fagan were given an opportunity to escape by a fortuitous circumstance, through the kindly influence of some of the Mexican settlers. About four days afterward a beef was killed by the Mexicans; and, as a ruse to give them a chance to escape, they were given a quarter each to take to some of the prisoners whom they intended sending to New Orleans later. While doing so they were filled with apprehension of impending danger through detonation of guns that could be distinctly heard, and soon to silence the voice of John James forever. Whereupon their guards were interrogated concerning the cause, who responded by saying: 'It is none of your business; remain where you are and you are safe.' To which John James replied: 'There is some treachery and I must see what it is. Let Fannin's fate be what it will, I am ready to share it.' And from self-immolation no one could deter him; he walked out, was sacrificed to Mexican despotism, and poured out his life's blood in the cause of his country's freedom. Nicholas Fagan though, on account of his mechanical ability, was spared, due to the enemy's need of good mechanics. . . . The old anvil and implements he used are still preserved to this day, and now on exhibition at the Fannin battleground near Goliad."<sup>26</sup>

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<sup>25</sup> Affidavit of Edward Perry, November 19, 1858; Affidavit of John Hynes, October 6, 1858, filed with Commission of Appeals.

<sup>26</sup> Mitchell, *First Flag of Texas Independence*, 9-11.

NOTE: It is a coincidence that the heirs of Captain Hugh Fraser who were living in Liverpool, Nova Scotia, were represented by John James, of San Antonio, father of the late Chief Justice John Herdon James. John James was born in Nova Scotia. Captain Fraser was also a native of Nova Scotia. In 1852 John James was appointed administrator of Hugh Fraser, deceased. *Probate Court Records of Refugio County*. It is also coincidental that John James, mentioned by Miss Mitchell, had a son also named John. However the John H. James family of San Antonio do not establish any connection with John James, Refugio colonist.



## WESTOVER'S COMPANY

Ira Westover, Captain.	*George McKnight, 2nd Sgt.
Francis W. Thornton, 1st Lt.	(killed 19th)
Lucius W. Gates, 2nd Lt.	John McGloin, 3rd Sgt.
Bennett McNelly, 3rd Lt. (S.J.)	E. J. A. Greynolds, Sgt.
George Deadrick, Q. M. (S.J.)	Daniel Buckley, Musician
William S. Brown, 1st Sgt.	

### PRIVATES

Baker, Augustus	McGowen, Dennis
Betts, Marvin (Marion)	Mann, William (killed 19th)
Byrne, Matthew	Morgan, Abel alias
Carbajal, Mariano	(Thomas Smith)
Cash, George W.	Murphey, Daniel f (S.J.)
Cash,	Neven, Patrick
Conway, Matthew	Numlin, John
Coughlin, George W.	O'Boyle, Andrew M.
Cross, John	Petty, Rufus R. f
Disney, Richard	Pittman, G. F. f
Eddy, Andrew N.	Pittuck, George
Eddy, Matthew	Pierce, Stephen
English, Robert	*Quinn, William (killed 19th)
Eyles, Otis G.	Quirk, Edward (S.J.)
Fadden, John	Quirk, Thomas
Fagan, Nicholas	Ryan, Edward
Garner, Edward	Sayle, Antonio x
Garner, M. C.	Shotts, Lewis
Gleeson, John	Smith, Charles
Gordon, Thomas f	Smith, Sidney
Hannan, A. B. f	Sprague, Samuel f
Hardwicke, C. S. f	Stewart, Charles
Harris, William	Syduck, Anthony
Hatfield, William R.	Syers, Daniel
Hazen, Nathaniel f (S.J.)	Thompson, John W. f
Hitchard, John	Watson, Joseph W.
Jensen, Charles o (Pettus)	Webb, James
Jones, David J. f	Winningham, Wm. S.
*Kelly, John (killed 19th)	Yeamans, Elias R.
Linley, Charles f	Yeamans, Erastus

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*Authorities: Telegraph and Texas Register, November 9, 1836; Lamar Papers, I, 484-488; Duval, Early Times in Texas, 243-253; Davenport, Men of Goliad, 43 Q. 32-38; Brown, History of Texas; Binkley, Correspondence, I, 406; Kentucky Gazette, July 7, 1836.*

*Symbols: SJ—later at Battle of San Jacinto; o—captured with King but released. \*Rea says McKnight living in 1870s. f—escaped, spared, or saved, or listed as such in some accounts.*

FRASER'S REFUGIO MILITIA  
(Tentative)

Hugh McDonald Fraser, Captain

ENLISTED MEN

Byrne, James W.	James, John
Carlisle, Geo. W.	Morris, George
Dietrich, Francis W.	Perry, Edward
Fagan, John	Sydick, Anthony
Fagan, Nicholas	Sydick, John B.
Fitzsimmons, Edward	White, Alvin E.
Gould, William	Williams, John

BIBLIOGRAPHY OF FANNIN'S COMMAND

An exhaustive Bibliography on the subject is contained in Huson's edition, *Dr. Barnard's Journal*, pp. 55-58. As to King and Ward, see Bibliography and collection in Davenport, *King and Ward at Refugio*:

In addition to the above see the following Standard Histories of Texas:

- Yoakum, *History of Texas*, II, 98-101.
- Bancroft, *North Mexican States*, II, 234-237.
- Brown, *History of Texas*, I, 610-615.
- Kenndey, *Texas*, 578.
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- Looscan, Adele B., *Gibenrath*, 14 Q. 166.
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- Tarleton, Capt. James, *to Brother*, April 22, 1836, *Kentucky Gazette*, June 9, 1836; *Reporting Texas*, 128.

## CHAPTER XIX

### END OF THE REVOLUTION



RREA, having cleared all Texian resistance in his bloody path, proceeded on to Brazoria. He left garrisons on St. Joseph's Island, at El Copano, Refugio, San Patricio, Goliad and Victoria. The port of El Copano was opened for Mexican vessels with supplies and reinforcements. Juan Davis Bradburn was made collector of the port. The mission at Refugio was converted into a military depot and hospital. The wounded who were able to travel were kept there until they could be evacuated by boat through El Copano. Most of the Texian prisoners, whose lives had been spared, were eventually sent through Refugio and El Copano to Matamoros to be kept there as prisoners of war. Colonel Miller and his Nashville company were among those shipped from El Copano to that Mexican port.

The town of Refugio, most of which had been burned by Colonel Ward, lay in ruins and was practically depopulated. Only few Irish families still remained there.

Santa Anna also moved eastward with his main army, leaving a bloody path of his own. The only remaining Texian army, that under General Houston, fell back as Santa Anna went forward. Houston, well realizing that any mistake he might make would ruin Texas, paralleled Santa Anna's route, with a day's march between the two armies. He gambled that Fate would give him an opportunity to strike one decisive blow against the enemy, who outnumbered his army five or six to one. Santa Anna having consistently triumphed and seeing the Texians in retreat and their government in flight, was so confident that the war was over, except for mopping up, that he ordered a Mexican war vessel to come to El Copano to take him back to Mexico. In Mexico preparations were being made for a triumphal entry for the hero.

Disdaining and discounting the small Texian army still in the field and becoming impatient to get the war over with, Santa Anna became incautious and, taking a small body of fast moving troops marched ahead of his main body, with the object of capturing and destroying the fugitive rebel government. The quest of this quarry led him to San Jacinto, where General Houston moved between

Santa Anna and his main armies and crushingly defeated him on the 21st day of April.<sup>1</sup> Seeing that all was lost, Santa Anna escaped from the battlefield, but was discovered and captured the following day. The decisiveness of the Battle of San Jacinto lay in the capture of Santa Anna, the head of government and the idol of his armies, rather than in the crushing of a comparatively small portion of Mexican military might. The capture of Santa Anna by the Texians answered the identical purpose as the capture of Montezuma by Cortez almost three centuries previously; and the control of the mikado by General MacArthur in our own time. The captors ruled through the captured ruler.

In the Battle of San Jacinto were a number of Refugio colonists.<sup>2</sup> Among them were Walter Lambert, Thomas O'Connor, Daniel O'Driscoll, James O'Connor, George Morris, Charles Malone, John W. Cassady, Edmund Quirk, Thomas Ryan, and Hugh McDonald Fraser. David Odem, later of San Patricio was also a veteran. Bennett McNelly, George Deaderick, Nathaniel Hazen and Edmund Quirk, of Westover's company were also in the battle. The last three escaped from Goliad during the massacre.

After the revolution many San Jacinto veterans settled in Refugio County. Among them were Gov. J. W. Robinson, Dr. John W. Baylor, Nicholas S. Crunk, James Hampton Kuykendall, William Kuykendall, Charles La Balatrier, Adam Manuel, John W. B. McFarlane, John Plunkett, Richard Roman, Stephen F. Sparks, and John W. Winters.<sup>3</sup>

It is noteworthy that the first newspaper correspondent report of the Battle of San Jacinto and interview with Santa Anna was the one sent to the New Orleans *Bee* and *Bulletin* by John J. Linn, from Galveston, under date April 28.<sup>4</sup>

Throughout the revolution the citizens of the United States, and particularly those of the Old South, were indefatigable in raising troops, money, and supplies to send to the aid of the Texian colonists. However, several companies were raised north of the Mason-Dixon line. One of the most outstanding of the latter was the New York Battalion, recruited in New York City by Colonels Edwin H. Stanley and Edwin Morehouse. Colonel Stanley had been an officer in the British and Portugese armies as well as an instructor in the United

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<sup>1</sup> See Captain James Tarlton's account of Battle of San Jacinto, which also gives account of Shain and Murphey, who escaped the Goliad massacre, dated Lynchburg, April 22, 1836, *Kentucky Gazette*, June 9, 1836, Huson, *Reporting Texas*, 126-132.

<sup>2</sup> Kemp, *Heroes of San Jacinto*. Phil Power, *Memoirs*. Ryan, *Shamrock and Cactus*, 62-63.

<sup>3</sup> Philip Power, *Memoirs*: Ryan, *Shamrock and Cactus*, 62-63.

<sup>4</sup> Linn's account, *New Orleans Bulletin*, May 11, 1836, copied by *Kentucky Gazette*, May 26, 1836; Huson, *Reporting Texas*, 118-119.



States army.<sup>5</sup> Morehouse was a native of New York, but had resided in Texas prior to the revolution.<sup>6</sup> The battalion, which was financed by citizens of New York, embarked November 21, 1835, on the brig *Matawamkeag*. The vessel was seized by British authorities and the voyaguers held as pirates at Nassau, in the Bahamas. They were finally released after 50 days internment, and arrived at Velasco about March 8, 1836. The services of the battalion were immediately tendered to the Texian convention, and, were, of course, accepted.<sup>7</sup> The battalion was assigned to the duty of assisting colonist families to places of safety. After San Jacinto it was incorporated into General Rusk's army. As will be hereafter seen Colonel Morehouse settled at Goliad and became the first senator from the Refugio district. Many of his men settled in Refugio county. Notably among these were John Howland Wood, James C. Allen, John Clark, and Bartlett Annibal. After the battalion became the 1st Regiment, Texas Volunteers, in the summer of 1836, many residents of Refugio county saw service in it. Among these were Alvin E. White (who escaped the massacre of Goliad), 1st lieutenant; Edward O'Boyle; James C. Allen, 1st lieutenant; John H. Wood; 1st sergeant; John Clark; Bartlett Annibal; Morgan O'Brien; Charles Fox; Jeremiah Day; Elkanah Brush; William H. Living, and William Davis.<sup>8</sup> The New York Battalion is elaborated upon at this point, so that its connection with Refugio county may be recognized in the episodes which follow.

On May 14, 1836, the Texians and Santa Anna made two treaties, one public, the other secret. By both treaties the Mexican dictator agreed that all Mexican troops should immediately cease hostilities and evacuate the territory of Texas passing to the other side of the Rio Grande del Norte and further that all Texians held prisoners by the Mexicans should be released.<sup>9</sup> The Mexican army which was at the Brazos River at the time of the Battle of San Jacinto, was stunned and paralyzed when it learned the results of that battle. Santa Anna, like Napoleon, had so dominated his inferiors, who looked to him for all directions, that the ranking officers, the senior among them being General Vicente Filisola, were incapable of independent thought and action. Incidentally most of them were

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<sup>5</sup> *Stanley to Convention*, March 1836, Binkley, I, 494.

<sup>6</sup> Lindley, *Biographical Directory Texan Conventions*, 142-143.

<sup>7</sup> *Stanley to Convention* March, 1836. Binkley I, 494-495; Winston, *New York and Texas Independence*, 18 Q. 373-374; Daniell, *Personnel of the Texas State Government*, (sketch of John H. Wood), 629-641; *William Papers*, Rosenberg Library, Brown, *History of Texas*, II, 47-48. *Lamar Papers*, III, 272; Williams, *Writings of Sam Houston*, I, 522, II, 70.

<sup>8</sup> *Muster Rolls*, General Land Office.

<sup>9</sup> Brown, *History of Texas*, II, 62-65.

sincerely attached to the person of the dictator and were fearful for his safety. Although the undefeated Mexican armies then numbered over 6,000 effectives and were under seasoned and proven leaders, such as Filisola, these generals were so hypnotized that to the consternation and disgust of the Mexican nation, they supinely obeyed Santa Anna's orders to retreat to the Rio Grande. Immediately after the news of San Jacinto the Mexican armies had moved back to the Colorado, but on April 28, the general retreat began in earnest, and did not stop until the Rio Grande had been crossed. This is known in Texas history as "Filisola's Retreat." For this action the generals were excoriated by the government and people of Mexico. As a result some of the generals were court-martialled, and most of them wrote pamphlets excusing themselves and making recriminations against one another.<sup>10</sup>

The retreating Mexican armies were closely followed by a substantial Texian army, commanded by General Thomas J. Rusk. After a march, fraught with much hardship and many sufferings, the Mexican army reached Victoria May 10-14, and thence proceeded on to Goliad, where it arrived the 16th. At this point the Mexican armies divided. Urrea retraced his steps to Refugio, where on the 17th he loaded his stores, issued 12 days rations to his troops and picked up his garrisons at El Copano and on St. Joseph's Island. He left Refugio on the morning of the 18th, heading for San Patricio, from which place he marched to Matamoros, where he arrived on the 28th.<sup>11</sup>

The Texian government dispatched Captains Karnes and Teel to overtake Filisola and deliver to him the public treaty signed by Santa Anna. Accompanying the commissioners was Victor Loupe, the surveyor of the Power and Hewetson colony, who had a thorough knowledge of Spanish. Loupe was the official interpreter. The commissioners finally caught up with Filisola at a place between Goliad and San Patricio known as *Arroyo del Mugerero*. Here the commissioner's delivered the copy of the treaty, on May 26. The emissaries, with whom was also Colonel Ben Fort Smith, requested Filisola to issue orders honoring the article of the treaty providing for release of Texian prisoners and also asked the issuance of a safe

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<sup>10</sup> Filisola, *Memorias para la historia de la guerra de Tejas*; Filisola, *Representacion* • • in *defensu de su honor*; Urrea, *Diario*; Caro, *Verdadera Idea de la primeia campana de Tejas*; Santa Anna, *Manifiesto que de sus Operaciones en la campana de Tejas*. (Last 3 in Castaneda, *Mexican Side of the Texas Revolution*; Brown, *History of Texas*, II, 60-69; Yoakum, *History of Texas*, II, 161-167. Foote, *Texas and Texans*, II, 316, 345-349; Kennedy, *Texas* 597-602; Bancroft, *North Mexican States and Texas*, II, 265-268.

<sup>11</sup> Filisola, *Memorias*; Urrea, *Diario*, Castaneda, 255.

conduct or passport to enable them to deliver the orders at Matamoros.

Filisola deliberated over the matter for several days, permitting the commissioners and Loupe to accompany the retreating army, while he was arriving at a decision. When the Mexican army reached the Nueces, on June 3, Filisola had reached the decision to grant the request for safe conduct to Matamoros. Armed with this document, Karnes, Teel and Loupe went on to Matamoros, Filisola going in a different direction. General Urrea had already established himself at Matamoros, and upon the Texians presenting themselves, he refused to honor the safe conduct or to respect Santa Anna's treaty, but arrested the three Texians and cast them into prison. There they remained for many months.<sup>12</sup> Karnes and Teel eventually escaped, and Loupe, who had been given the liberty of the city, was arrested and jailed, charged with complicity in the escape. After a few days, however, he was released from the *calabosa* and eventually was given his freedom. He returned to Refugio county, and later on we will find him meeting a martyr's death.<sup>13</sup> Colonel William P. Miller was a prisoner at Matamoros at the time Loupe was there. Miller finally made his own escape to Texas, where he rejoined the army. He eventually settled in Victoria and became chief justice of that county.<sup>14</sup>

On June 3, the same day Karnes, Teel and Loupe, received their passport from Filisola, the Texian army at Goliad, under General Thomas J. Rusk, were burying the victims of the massacre with full military honors. On June 1 Rusk had issued the following orders:

"As a token of respect, as well to the men who fell a sacrifice to the treachery and bad faith of our enemy, as a duty that we owe to the relatives of the unfortunate deceased and ourselves, it is ordered that the skeletons and bones of our murdered countrymen be collected into one place in front of the fort, and buried with all the honors of war."<sup>15</sup>

On the afternoon of June 2, the bones having been collected, the following orders were issued:

"A general parade of the army will take place tomorrow at half-past eight o'clock. The funeral will take place at nine A.M.

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<sup>12</sup> Filisola, *Memorias*, 304-306; Potter, *Escape of Karnes and Teel from Matamoros*, 4 Q. 71-84; Bancroft, II, 270-271; Yoakum, II, 165.

<sup>13</sup> See chap. XXIII.

<sup>14</sup> Brown, *History of Texas*, II, 70-71; Rose, *Victoria; Texas Almanac 1860*, 74-75; *Account of Miller's escape, Cincinnati Whigs*, July 29, 1836; Binkley, *Correspondence*, II, 770, 1026.

<sup>15</sup> Linn, *Reminiscences*, 286.

Colonel Sidney Sherman will take command and conduct the procession in the following order:

"First, artillery.

"Second, music.

"Third, Major Morehouse's command.

"Fourth, six commissioned officers; the corpses; six commissioned officers.

"Fifth, five mourners. Those of Colonel Fannin's command who are with the army, and who so miraculously escaped, will attend as mourners.

"Sixth, commanding general and staff.

"Seventh, medical staff.

"Eighth, Second Regiment.

"Ninth, First Regiment.

"Tenth, Regulars.

"Major Poe will cause a minute-gun to be fired from the fort, commencing at the time the procession moves and continuing until it arrives at the grave."<sup>16</sup>

The order was executed with great solemnity and intense feeling. General Rusk, a brilliant and polished orator, delivered the funeral oration at the grave,<sup>17</sup> to which the army had marched with arms reversed, while the minute gun delivered its muffled roar.

Among the Refugians who were honorary pall-bearers of Fannin's men, were Nicholas Fagan, John Fagan, Alvin E. White, George Deaderick, Edmund Quirk, Hugh M. Fraser, and Nat. Hazen.<sup>18</sup>

As the order indicates, Morehouse's New York Battalion was given a prominent position in the cortege. This honor was given because it had taken to itself the principal part in assembling the bones of the martyred Texians. John H. Wood was one of those who helped perform this solemn duty.<sup>19</sup>

Dr. J. H. Barnard, who afterwards settled at Goliad, marked on a map of La Bahia the location of the grave of Fannin's men. The grave gradually became unmarked and lost to memory, and Dr. Barnard's map was not discovered until about the time of the Centennial.

A detachment of the Texian army was sent to Refugio on the heels of Urrea's evacuation. In some manner Urrea had failed to contact the Mexican collector of El Copano, Colonel Juan Davis

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<sup>16</sup> Rusk, *Order*, June 2, 1836, *Lamar Papers*, I, 396, 399-400; also Linn, 286-287.

<sup>17</sup> Linn, *Reminiscences*, 287-288.

<sup>18</sup> Rusk, *Oration*, *Lamar Papers* I, 399-400; Linn, 287-288.

<sup>19</sup> Daniell, *Personnel Texas State Govt.*, 629-641.



Bradburn; and the Mexican army moved away, leaving that functionary, who was cordially hated by the Texians, at the port. While Bradburn was still at El Copano, a Texian detachment appeared at that place. The renegade American, fearful of the consequences if he fell into the hands of his former countrymen, took flight in a skiff, which happened to be at the landing. Amid the hoots and jeers of the Texians Bradburn laboriously rowed through the bay and did not stop until he had reached Padre Island, many miles distant. Filisola upbraids Urrea for the latter's "shameful" desertion of this loyal Mexican official.<sup>20</sup> It would seem that Bradburn had remained at El Copano in order to warn away the schooner *Watchman*, which was expected to arrive with supplies for the Mexican armies.

When the authorities at Mexico City learned that the national armies were obeying Santa Anna's orders to retreat, they issued countermanding orders and demanded that the generals hold their ground and promised large reinforcements. The generals did not heed the government's orders. However, the Texians feared a new and immediate invasion and appealed to their friends in the United States for men, money and munitions. Several of the States, Kentucky notably among them, responded to General Gaines requisition for troops "to protect the Sabine against Indians."<sup>21</sup> At Lexington, Kentucky, a battalion named the *Ladies Legion of Lexington* was recruited, equipped, financed, and sent to Texas under Colonel Edward J. Wilson, a former member of the state legislature.<sup>22</sup>

In anticipation of threatened invasion the Texians kept ranger patrols scouring the coast from the Nueces to Velasco. On May 29 General Rusk ordered Major Isaac Watts Burton (a veteran of San Jacinto) and his company of 20 rangers to scour the coast between the Guadalupe River and Mission Bay to keep a lookout for any possible enemy. With the rangers were Dr. John W. Baylor, Walter Lambert, Nicholas Lambert, and John Keating, the latter two being Refugio colonists and guides to the party.<sup>23</sup>

On June 2, Major Burton received news of a suspicious vessel in the bay of Copano. By daybreak the next morning the rangers were in ambush on the beach, and at 8 o'clock a signal was made

<sup>20</sup> Filisola, *Memorias*, 304, 317.

<sup>21</sup> Yoakum, II, 286-287.

<sup>22</sup> See issues of *Kentucky Gazette*, *Lexington Observer and Reporter* and *Lexington Intelligencer* for May, June and July, 1836. Huson, *Reporting Texas*, 612, 799, 822; Also all accounts of *Ladies Legion* in Huson, *Reporting Texas*; Bryant to Austin, June 5, 1836, Binkley, I, 343, II, 749-750, *Timely Remarks*, June 5, 1936.

<sup>23</sup> Huson, *El Copano*, 33; Yoakum, *History of Texas*, II, 180; Bancroft, II, 282-283; Philip Power, *Memoirs*; Ryan, *Shamrock and Cactus*, 22; Walter Lambert, *Affidavit*, in re John James. Dienst, *The Navy of the Republic of Texas*, 12 Q. 256-257 (note).

for the vessel to send its boat ashore, which was promptly answered and five of the enemy landed from the boat. These were made prisoners, and the boat was manned by 16 of the rangers, who rowed out to the vessel, the *Watchman*, and succeeded in capturing her. She was found to be loaded with provisions for the Mexican army. Preparations were made to take the *Watchman* to Velasco, but departure was delayed because of contrary winds. While waiting for favorable winds, on the 17th two more vessels, the *Comanche* and the *Fanny Butler*, anchored off the bar. The captain of the *Watchman* was made to decoy the commanders of the vessels aboard his own. Thus by a clever stratagem three large vessels, loaded with provisions and military supplies, were captured by an intrepid band of horsemen. The three vessels and their cargoes were taken to Velasco, where they were condemned. The value of the captured cargo was estimated at \$25,000.<sup>24</sup>

Colonel Edward J. Wilson, of the *Ladies Legion of Lexington*, already referred to, wrote a letter dated July 7, about the incident. He said: "On yesterday [the news came] of the capture of three Mexican vessels by a troop of horse—these you will call 'Horse Marines,' I suppose."<sup>25</sup>

It will be remembered that Colonel Power was sent by the Texian government to New Orleans to purchase supplies for the Texian army.<sup>26</sup> He was at the Crescent City, engaged on this business at the time the Battle of San Jacinto was fought. New Orleans was undoubtedly the capital and main rendezvous and military depot of the Texian Revolution. There the Texians maintained an agency under Colonel William Christy and thither were sent and maintained numerous officers on recruiting service. Many Texians were always to be found there. After San Jacinto many other Texians went to the creole capital for rest or on business. General Sam Houston, who had been painfully wounded at San Jacinto, arrived in New Orleans on the schooner *Flora* (the same which brought Fannin to El Copano) in May, 1836, to have his wounds treated.<sup>27</sup> While in that city he was the house guest of Colonel Christy. It may be well imagined that the General was the lion of the hour.

While Colonel Power was in New Orleans, the Texian man of

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<sup>24</sup> Huson, *El Copano*, 33; Yoakum, II, 180-181; *Hiram Marks to J. E. Rees*, July 2, 1836, *Kentucky Gazette*, August 8, 1836; Huson, *Reporting Texas*, 167, *Lexington Intelligencer*, July 19, 1836, Huson, *Reporting Texas*, 405.

<sup>25</sup> Wilson, *Kentucky Gazette*, July 28, 1836, Huson, *Reporting Texas*, 162. Huson, *El Copano* 33-34 (note).

<sup>26</sup> See chap. XV.

<sup>27</sup> Yoakum, II, 172.

war, *Invincible*, was captured and her crew jailed by the United States government on charge of piracy.<sup>28</sup> Many prominent lawyers, sympathizers with the Texians, offered to defend gratis the officers and sailors of the *Invincible*. The defendants were defended by Seth Barton, Randal Hunt, and O. P. Jackson, of the New Orleans bar. The trial resulted in an acquittal. As the lawyers refused to take pay for their services, the Texians sojourning in the city caused to be published in the New Orleans newspapers, the following card of thanks:

New Orleans, May 7, 1836

To Seth Barton, Randal Hunt and O. J. Jackson, Esqrs.

Gentlemen: We the undersigned citizens of Texas embrace this opportunity of expressing to you our most heartfelt gratitude, in behalf of the officers and crew of the Texian man of war schooner *Invincible*, that of our country and ourselves, for the very able, lucid and eloquent manner, in which you defended the noble and grateful crew, from the false imputation of piracy, brought against them by the secret Mexican influence of this city...

If in some future day you should visit our beautiful land, which is destined to be one of the most prosperous and happy on earth, your reflection must be pleasing indeed, to know you were among the number who voluntarily contributed to our righteous cause.

THOS. J. GREEN  
Brig'r. Gen. of the Army of Texas  
A. C. ALLEN  
SAMUEL M. WILLIAMS  
S. RHOADES FISHER  
JAMES POWER  
EDWARD CONRAD  
HENRY AUSTIN  
EDWARD HALL  
SAMUEL ELLIS  
R. O. WILSON  
T. G. WESTERN  
O. C. BARRITT  
WM. BRYAN, Texas Agent.<sup>29</sup>

James Power and Edward Conrad were Signers of the Declaration of Independence from Refugio. T. G. Western was a merchant and one of Captain Dimmitt's pet peeves at Goliad.

<sup>28</sup> Thos. J. Green to Wm. Christy, May 22, 1836, *Louisville Public Advertiser*, June 11, 1836. (copied from N. O. Bee, Huson, *Reporting Texas*, 489-492. Green's order to Adj. Peyton S. Wyatt, May, 1836, *id.*

<sup>29</sup> Dienst, *The Navy of the Republic of Texas*, 12 Q. 255, quoting *New Orleans Commercial Bulletin*, May 10, 1836; Bryan to Burnet, May 9, 1836, Binkley, II 661-662.

General Green and many of the Texians returned to Texas from New Orleans, arriving at Velasco on June 3d. At that time there was in the roadstead the schooner of war *Invincible*, aboard which was General Santa Anna and his entourage waiting to sail to Vera Cruz. General Green had with him on the steamer *Ocean* about 250 recruits for the Texian army. When it was learned that Santa Anna was about to be let free, Green and his companions took matters into their own hands, and, in defiance of President Burnet, seized and took possession of Santa Anna.<sup>30</sup>

General Rusk established his headquarters at Victoria and took measures to put the country in state of defense against the expected Mexican invasion. Persistent rumors of the imminence of invasion were rife, and Rusk wrote to General E. P. Gaines of the United States army, stating his fears. Gaines on or about June 28 issued a requisition for troops to the governors of Louisiana, Kentucky, Alabama, and Tennessee.<sup>31</sup> Rusk issued an order cancelling all furloughs and leaves and on June 27 issued a call to arms to the people of Texas.<sup>32</sup> During the same month orders were issued for detention and removal of all Mexicans suspected of sympathy with Mexico. Many old respected Mexican settlers of the Refugio section and John J. Linn were arrested, among them being members of the De Leon and Placido Benavides families. Linn was promptly released,<sup>33</sup> the latter with many others were sent to New Orleans until the emergency was over.<sup>34</sup> One old Mexican settler who refused to move was Captain Don Carlos de la Garza. When the Texian troops came into Refugio County, they found the old warrior plowing his field. The don heard the orders read but continued his plowing and none durst molest him. He became one of the most valuable citizens Refugio and Victoria counties ever had.<sup>35</sup> General Rusk sent a detachment to the Carlos Ranch, about the middle of July, 1836, to track down marauding Indians.<sup>36</sup>

Colonel Juan N. Seguin was authorized by General Rusk, on May 30, "to recruit for the service of Texas a Battalion of men in whom you can place confidence not to exceed in number 112 men rank and file for the purpose of being stationed at Bexar under the

<sup>30</sup> Brown, *History of Texas*, II, 73-84. Yoakum, II, 171-175.

Burnet, *Address to the Army*, Binkley, II, 772-780; Sawyer to Morgan, June 6, 1836, Binkley, II, 755-756.

<sup>31</sup> Urrea, *Proclamation Matamoros*, June 5, 1836, *Lexington Intelligencer* July 8, 1836 Huson *Reporting Texas*, 481. Lamar's Orders relative to Mexican Invasion, June 27, 1836, *Lamar Papers* I, 406-408.

<sup>32</sup> Yoakum, II, 180.

<sup>33</sup> Linn, *Reminiscences*; Power, *Memoirs*, etc.

<sup>34</sup> *Sutherland v De Leon*, 1 Texas 250; *Linn v Scott*, 3 Texas 67. *Hardy v De Leon*, 5 Texas 211; *Wheeler v Moody*, 9 Texas 371; *Bissell v Haynes*, 9 Texas 556; *De Leon v White*, 9 Texas 598.

<sup>35</sup> Philip Power, *Memoirs*; W. L. Rea, *Memoirs*.

<sup>36</sup> *Rusk to Cap. J. W. E. Wallace*, July 19, 1836, Binkley, II, 870.



same pay emoluments and duties as other soldiers in the cause of Texas when on duty." Colonel Seguin was "particularly enjoined to be vigilant in keeping a lookout upon the different roads towards the Rio Grande, for the purpose of ascertaining the movements of the enemy, communicating fully and frequently all the information you may collect to the commandant of the army."<sup>37</sup>

Seguin with his wonted alacrity and ability raised the battalion, which was generally known as "Seguin's Ranger," in short order. The battalion was composed about equally of Anglo-American and loyal Mexican Texans.<sup>38</sup> The battalion became a few months later the 2nd Regiment of Cavalry of the Regular Army of Texas. Many Refugio citizens were members of the ranger battalion and its successor cavalry regiment. On the muster rolls appear the names of the John Keating, 1st lieutenant, John Dorsey, Michael Dugan, Edward Fitzgerald, Michael Fox, Thomas Hancock, Thomas Hays, Walter Lambert, Thomas McClure, John H. Miles, Morgan O'Brien, Thomas O'Connor, James Quinn, Patrick Quinn, Joseph F. Smith, and John Williams.<sup>39</sup>

While Seguin's battalion was in process of organization, Ewen Cameron, subsequently famed in Texas history, came to Live Oak Point, where his cousin John W. B. McFarlane was residing and co-jointly with Colonel Power, who had returned from New Orleans, organized *Power and Cameron's Spy Company*. This unit was organized in May or June, 1836, and was composed entirely of Refugio County residents. Colonel Power was the nominal captain—Cameron, young and magnetic being the active commander. Most of those who later joined Seguin's Rangers were members of the Spy Company.<sup>40</sup> Other minute men were James Power, Ewen Cameron, Hugh Cameron, James W. Byrne, M. McAuley, Peter Hynes, George Morris, Nicholas Fagan, Peter Fagan, John Dunn, Elkanah Brush.<sup>41</sup> This was the first of a continuous succession of spy or local ranger companies which existed in Refugio county throughout the Republic.

A number of Refugio citizens and some who later became citizens served in the 1st Texas Volunteer Regiment, commanded by Colonel Edwin Morehouse, during the last half of 1836. In Captain Burnett's Company were: Alvin E. White, 1st Lt.; Edward O'Boyle. In Captain Louis P. Cook's Company were: James C. Allen,

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<sup>37</sup> *Rusk to Seguin*, May 30, 1836, Binkley, II, 720-721.

<sup>38</sup> *Military Muster Rolls*, General Land Office.

<sup>39</sup> *Muster Rolls*, General Land Office; Philip Power, *Memoirs*; Walter Lambert, *Affidavit*; Warburton, *History of the O'Connor Ranch*.

<sup>40</sup> Philip Power, *Memoirs*.

<sup>41</sup> Philip Power, *Memoirs*, and Fragmentary sources.

1st lt.; John H. Wood, 1st sgt.; John Clark, Bartlett Annibal, Morgan O'Brien, Charles Fox, Jeremiah Day, Elkanah Brush.

The new Mexican invasion failed to materialize, but so many volunteers had flocked to Texas that the provisional government decided to take the initiative. It was proposed on the part of the Texian leaders to make a descent upon Matamoros.<sup>42</sup> Most of the volunteers had been encamped for several weeks in the Lavaca-Matagorda area, but with the change to the initiative El Copano was designated the base depot for operations, in July or August, 1836, and troops and supplies were moved to the port.<sup>43</sup> Brigadier General Felix Huston was placed in command of the Texian armies. He dispatched two mounted companies to Bexar, while he with 500 mounted riflemen moved to San Patricio. Large units were brought to Refugio and El Copano, and preparations for the new Matamoros expedition got under way.<sup>44</sup>

After General Houston's inauguration on October 22, 1836, the new president ordered the preparations to cease and the armies to retire to the Guadalupe.<sup>45</sup> In December of the same year the Mexicans announced that they had abandoned their idea of invading Texas for the time being.

The account of the War of the Revolution would not be complete without a mention of the connection of Refugees with the Texas Revolutionary Navy. While it is probable that several of the colonists served in the navy, we have definite information concerning only one of them, James O'Connor, who was the first man from the Texian man of war *Liberty* to board the Mexican ship *Pelicano* off the port of Sisal, March 3, 1836, for which O'Connor was voted an extra share of the prize-money.<sup>46</sup>

Captain William H. Living, whose vessel brought to Texas, a contingent of the Power colonists, settled in the town of Refugio, but too late to receive a colonial grant. He, however, bought a town lot and was living in the pueblo at the outbreak of the revolution. He served for a time in Dimmitt's garrison, then went back to the sea. He became lieutenant of the Texian Man of War *Invincible*, which on April 3, 1836, came upon the disabled Mexican warship *Bravo* (formerly the *Montezuma*) about 35 miles off

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<sup>42</sup> Yoakum, II, 290.

<sup>43</sup> Franklin Combs, August 12, 1836, W. P. Brashear, August 6, 1836. *Kentucky Gazette*, October 13, 1836, Huston, *Reporting Texas*, 194-195. *Cincinnati Republican Whig*, Sept. 6, 1836, Huston, *Reporting Texas*, 740. *Toby to Burnet*, July 11, 1836, Binkley, II, 850-853; *Huston to Lawrence*, Aug. 13, 1836, Binkley II, 933 *Huston to Brigham*, Aug. 16, 1836, Binkley, II, 939-940; *Toby to Burnet*, Sept. 1, 1836, Binkley, II, 975.

<sup>44</sup> Yoakum, II, 290.

<sup>45</sup> *Burnet to Huston*, Sept. 16, 1836, Binkley, II, 1009

<sup>46</sup> Dienst, *The Navy of the Republic of Texas*, 12 Q. 249, 251

Matamoros. Living got in a skiff alone and boarded the *Bravo*, which unexpectedly weighed anchor and sailed off with the daring Texian aboard. The *Invincible* followed and began a bombardment, and one of her broadsides wrecked the *Bravo*. The Mexican crew abandoned ship taking Living with them. They got back safely to Matamoros, where the gallant Living was shot as a pirate on April 14.<sup>47</sup>

Refugio colonists who served in the Texian Navy included, besides those already mentioned, Captain William E. Howth, and John Clark. Other Texian Navy men who later settled in our county included Captain William S. Brown, Jeremiah Brown, the Johnsons, Captain Luke A. Falvel, and Captain James B. Wells. The latter was in charge of the Texian Navy Yards prior to his removal to Saint Joseph's Island.<sup>48</sup>




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<sup>47</sup> Dienst, *Navy of Republic*, 12 Q. 252-253; *Bryan to Burnet*, April 30, 1836, Binkley, II, 647-649; *Hall to Burnet*, May 1, 1836, Binkley, II, 651-653. Huson, *Reporting Texas*, 113, *Kentucky Gazette*, May 23, 1836.

<sup>48</sup> Dienst, *Navy*, 12 Q. 249; 13 Q. 1-43; Binkley *Correspondence* II, 648. See Wharton, *Texas*, V. 162, W. E. Howth. See hereinafter for Captain James B. Wells.

## CHAPTER XX

### AT THE REPUBLIC'S BEGINNING

HE RETREAT of the Mexican armies to the south side of the Rio Grande may be regarded as the end of the Texas War for Independence. Sporadic fighting, however, was kept up during the nine glamorous years Texas remained a republic. Persistent rumors of fresh invasions, punctuated by frequent guerilla raids and occasional forays of the Mexican army in force, kept the Texans on the *que vive*; and throughout the Republican era every citizen remained a soldier in fact and stood by his arms. Such was especially true of the three "frontier" counties, Refugio, San Patricio and Bexar, which never ceased to be the locales of bloody border warfare, not only with the Mexicans but with Indians and outlaws of the three nations.

The Refugio, San Patricio, Goliad, and Bexar areas had borne the brunt of the brief but bloody and destructive war of the revolution. The towns of Refugio and Goliad had been almost totally destroyed by fire and bombardment. The Refugio, San Patricio, and Goliad areas were almost depopulated. Many of their citizens had been killed in the war, and most had fled the country for safety. Many of the Mexican families who were loyal to their native country went to Mexico, either during the war or with Filisola's army, and great numbers never returned to Texas. It was not until after 1845 that most of the refugee Refugio colonists returned to Refugio. Many of them never returned but remained in other parts of the republic.

Texas, now freed of invading armies, now prepared to organize itself politically, reconstruct its economy, and prepare itself for a peaceful existence. In anticipation of such a happy situation, the Convention of March 1, 1836, had promulgated a constitution for the newly established Republic of Texas. Until it could be ratified by a vote of the people, provision was made for an *ad interim* government, headed by David G. Burnet, which was to function until the constitution could be formally adopted and officers were elected thereunder. This document required the president *ad interim* to issue writs of election to the several counties, requiring the holding of elections for president, vice-president, and members of congress.



The county as a political subdivision was unknown to Spanish and Mexican law, and no counties had been organized at the time the constitution was drafted. This was a matter properly to be left to the new congress. For the want of better designations of electoral districts, they were referred to in the constitution as "precincts." While not so expressed, it was assumed that the precincts would coincide with the pre-existing municipalities of the same names, several of which had been created by the General Consultation and Council. The constitution provided that until the first enumeration was made, the "precincts" of Refugio, San Patriçio, and Goliad should each be entitled to one representative in the lower house. These three "precincts" were also constituted a senatorial district, entitled to elect one senator. The Victoria, Jackson, and Matagorda "precincts" were made a senatorial district with the right to elect one senator.<sup>1</sup>

The local government of each county was entrusted to a county court, composed of one chief justice and a variant number of justices of the peace. The constitution provided that "there shall be appointed for each county, a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables." A county clerk and other officers were also provided for. The original justices of the peace and the sheriff were appointable and commissionable by the president of the republic,<sup>2</sup> there being no qualification that such officers be citizens of the county for which they were appointed. This will explain the appointment of apparent strangers and non-citizens to office in Refugio County at the beginning of the Republic.

On July 23, 1836, President Burnet issued his proclamation calling for an election to be held throughout the Republic on September 5, for officers who should assume the reigns of government at Columbia on the first Monday of October. The proclamation provided that citizens in the army might hold their elections wherever they might be, and that "as some of the precincts are depopulated by their temporary abandonment on account of the invasions of the Mexicans and the inroads of the Indians, therefore all such persons thus absent are permitted to exercise their right of suffrage by meeting together whenever they can in any number, holding an election and making the returns in ten days to the Secretary of State . . ."<sup>3</sup>

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<sup>1</sup> *Constitution of 1836, Schedule, sec. 5, 6, 7.*

<sup>2</sup> *Constitution of 1836, Art. IV, secs. 11-12.*

<sup>3</sup> Burnet, *Election Proclamation*, Binkley, *Correspondence*, II, 883-885.

As has been seen, the town and precinct of Refugio had been totally wrecked by the war; and most of their citizens scattered from New Orleans to Matamoros. Aside from the faithful few who still remained around their smoking habitations, the greatest concentrations of Refugio citizens were to be found living at Victoria, Harrisburgh, and Brazoria. John Dunn was commissioned chief justice of Refugio County, with directions to hold the election for this county. Whether an election was held in Refugio County on September 5 remains obscure, but elections of Refugio citizens were held at Victoria, Goliad, Harrisburgh, and probably other places.

Those who voted in Victoria were James Power, Walter Lambert, James W. Byrne, Thomas Hays, Morgan O'Brien, Michael Fox, M. McAully, Peter Hynes, John Keating, George Morris, and Martin Power. The managers of the election were Martin Power, presiding; George Morris, secretary; John Keating, and Peter Hynes. The unanimous vote was cast for Sam Houston for president; Mirabeau B. Lamar, for vice-president and James W. Byrne for representative. All voted for James Power for senator save Power himself, who cast his vote for Thomas G. Western, of Goliad. The Constitution and Annexation to the United States received a unanimous vote.<sup>4</sup>

Sam Houston and Mirabeau B. Lamar were, of course, elected president and vice-president, respectively, of the republic. Colonel Edwin Morehouse, who had brought the New York Battalion to Texas, was elected senator from the Refugio district. He is shown as being a resident of Goliad at the time of his election.<sup>5</sup> Elkanah Brush was elected representative from the "precinct" of Refugio. Other districts and precincts returned to office men who had been or afterwards became identified with Refugio County, among them being, Alexander Somervell (Austin), afterwards a partner of Colonel Power in founding Saluria; Captain John Chenoweth (Goliad); Colonel William S. Fisher (Matagorda); John Geraghty (San Patricio); Richard Roman (Victoria); and the surveyor, Samuel Addison White (Jackson).

Colonel Morehouse was appointed Inspector General of the armies of Texas and resigned his seat in the senate on December 22, 1836, to accept the appointment.<sup>6</sup> The official records indicate that Morehouse had no successor in the First Congress, but it is a matter of general repute that Colonel Power was elected to serve

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<sup>4</sup> *Election Register*, in *Power Papers*. See Philip Power, *Memoirs*.

<sup>5</sup> Lindley, *Biographical Directory of the Texan Congresses* (for biographies of all persons named in this connection).

<sup>6</sup> Williams, *Writings of Sam Houston*, I, 521.

out the unexpired term. However, there is no record that Power ever attended any session of the First Congress.<sup>7</sup>

Elkanah Brush was re-elected as representative to the Second Congress, but his seat was contested by William E. Walker, who was declared elected. However, the seat was declared vacant; and at a special election Colonel Power was elected to represent Refugio County.<sup>8</sup> The Brush family moved to Fort Bend County, where Elkanah died subsequent to 1850. He and his wife are buried in the cemetery at Richmond.

The First Congress of the Republic of Texas convened at Columbia, on October 3, 1836. General Houston was almost immediately installed as president and Lamar as vice-president. The Congress then proceeded to put the republic into a state of defense, militarily, and into a state of organization, politically. In these endeavors the executive and legislative branches had to build from the ground up.

The first laws of importance related to organization and regulation of the army, militia, and frontier ranger corps.<sup>9</sup> Each county was divided into militia districts or beats, each to have a company of 64 men under a captain. Battalions, regiments, and brigades were made up of sufficient contiguous companies. On December 14, 1837, the militia law put Refugio County in the Brigade West of the Brazos.<sup>10</sup> The brigadier general was elected by vote of the electors of his brigade district.

In the political field the work of the Congress was monumental. The Rio Grande was fixed as the southwestern boundary of the republic. A seat of government was selected, pending the location of a permanent capital. Several towns were nominated, among them being Refugio, San Patricio, and Goliad. Senator Morehouse nominated Refugio and gave it the one vote which it received. San Patricio and Goliad were nominated by Geraghty and Chenoweth, respectively, and each received one vote. Houston was elected as the seat of government.<sup>11</sup>

The local government of each county was committed to a Board of Commissioners, composed of the Chief Justice and the Justices of the peace of the county, the chief justice being president of the board and the county clerk its secretary. The Commissioners Court

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<sup>7</sup> Lindley, *Biographical Directory Texas Congresses*, 23. See inscription on tombstone of Colonel Power, which states he was a senator of the Republic.

<sup>8</sup> Lindley, *op. cit.*, 25-26. Wharton, *History of Fort Bend County*, 115; Williams, *Writings of Sam Houston*, II, 143.

<sup>9</sup> G. L., I, 1094-1111, 1112, 1113-1114, 1114-1128, 1134, 1223-1226-1227.

<sup>10</sup> G. L., I, 1427.

<sup>11</sup> Raines, *Enduring Laws of the Republic*, 2 Q. 154. Winkler, *Theat Seat of Government of Texas*, 12 Q. 165.

had power to levy taxes for county purposes and had entire superintendence and control of roads, highways, ferries and bridges, and of the poor within said counties. The chief justice was elected by both houses of Congress and commissioned by the president.<sup>12</sup> Two justices of the peace for each militia captain's district were elected by the qualified electors of each such district, or "beat", (as it was also described). The justices of the peace had jurisdiction to issue warrants of arrest, search warrants, fix bail, and conduct examining trials, but seem not to have had power to impose fines. They had jurisdiction over civil actions where the amount or value did not exceed \$100.00.<sup>13</sup>

The county court was composed of the chief justice and two associate justices, who were selected by a majority of the justices of the peace of each county, from among their own body; and it was provided that "the justices so selected shall attend said county courts or pay a fine to be assessed by the chief justice not exceeding one hundred dollars." A majority of the justices of each court was necessary to constitute a court. County court was required to be held at the court house of each county four times in each year. The law fixed the terms for Refugio County to commence on the second Monday in January, April, July, and October of each year. The chief justices were made the probate judges for their respective counties, holding court once each month.<sup>14</sup> The chief justices were given authority to order holding of elections.<sup>15</sup>

Beginning the first Monday of February, 1837, and at the end of every two years thereafter, the electors of each county were required to elect a sheriff and a coroner, and one constable for each militia district. The sheriff of Refugio County was required to furnish a \$5,000 bond.<sup>16</sup>

The Republic was originally divided into four judicial districts, the judges of which, together with the Chief Justice, constituted the Supreme Court of the Republic of Texas. Refugio County was included in the Fourth (or Western) district. The law prescribed sessions of six days each to be held in this county on the second Monday after the fourth Monday in each April and October. The judges of the Refugio district during the Republic were James W. Robinson (1836-1840), John Hemphill (1840-1841), Anderson

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<sup>12</sup> G. L. I. 1208.

<sup>13</sup> *Act of December 20, 1836*, G. L. I. 1201-1206; 1217-1223.

<sup>14</sup> G. L. I. 1208, 1333.

<sup>15</sup> G. L. I. 1332-1333.

<sup>16</sup> G. L. I. 1239-1246.



Hutchinson (1841-1842), and William E. Jones (1842-1846).<sup>17</sup> The law, of course, provided for a district clerk.

The first Congress passed, over the veto of the president, an act creating a General Land Office, which, with supplements, required all *empresarios*, commissioners, *jefes politico*, *alcaldes*, and other persons to deliver over to the Commissioner of the General Land office, all archives, which were thereby made public property of the Republic. Under this law all archives of the Power and Hewetson Colony, and of the *ayuntamiento* of Refugio were delivered to the Land Commissioners. Subsequently the *Libro Becerra* relating to town lots in the *villa* of Refugio was returned to the county clerk of Refugio County, in whose office same now is. All *empresario* contracts were declared terminated as of March 2, 1836. The several *empresarios* were given the right to present their claims to the government for adjustment. As will be seen, Colonel Power failed to avail himself of this law.

To adjudicate the many outstanding claims for land bounties, the republic was divided into Land Districts with Local Boards to pass upon claims for land certificates.<sup>18</sup> Refugio County was placed in Land District 10, which had its situs at Victoria.<sup>19</sup> Later Refugio was made a Land District to itself.<sup>20</sup>

One of the final laws of the First Congress provided that the islands of Texas should be surveyed into lots of from 10 to 40 acres each, which should be sold at public auction, at Houston, in November, 1837.<sup>21</sup>

The county officials of Refugio County during the Republic were:<sup>22</sup>

1836: John Dunn, chief justice, December 20, 1836 until September, 1837. James Power and Peter Teal, justices. James W. Byrne, county clerk. John R. Talley, treasurer. Dunn was elected senator in September, 1837, and served until May 24, 1838.

1837-1838: William L. Hunter, chief justice, James Power, Peter Teal and Moreau Forest, justices. James W. Byrne, county clerk; Reuben H. Roberts, county surveyor; John R. Talley, county treasurer.

1838-1840: James C. Allen, chief justice, appointed November 10, 1837. James Power, Peter Teal. Moreau Forest, justices, until

<sup>17</sup> For History of the Refugio judicial district and biographies of its judges, see Huson, *District Judges of Refugio County*, G. L. I, 1258, 1500, II, 69.

<sup>18</sup> G. L. I, 1278, 1324, 1386, 1404.

<sup>19</sup> G. L. I, 1278.

<sup>20</sup> G. L. II, 1538.

<sup>21</sup> G. L. I, 1327-8.

<sup>22</sup> *Register of Elections*, State Library; Huson, *Directory of Officials of Refugio County*; Philip Power, *Memoirs*.

April 25, 1839. Thereafter, James C. Allen, chief justice, James Power, Peter Teal and Joel T. Case, justices. James W. Byrne, county clerk to April 25, 1839, thereafter John W. Daniel, county clerk. Reuben H. Roberts, surveyor to November 28, 1839, thereafter James B. Collinsworth, surveyor; Willard Richardson, deputy; Bartlett Annibal, sheriff; Jeremiah Findlay, deputy; Michael Fox, constable, to June 8, 1839, thereafter Michael Cahill, constable. S. W. Wybrants, coroner; James W. Byrne, district clerk; Martin Lawler, president, Martin Power and Walter Lambert, members, and Richard Roman, secretary, Board of Land Commissioners. Joel T. Case was district surveyor in 1838 or 1839.

1840: James C. Allen, chief justice to May, 1840. Benjamin F. Neal, chief justice after May, 1840. Gideon R. Jaques, Henry Ryals, Philip Dimmitt, and Peter Teal, justices. John W. B. McFarlane, county clerk; James W. Byrne, clerk Probate Court, also county clerk. Edward Fitzgerald, assessor; Bartlett Annibal, sheriff; Jeremiah Findlay, Israel Canfield, Jr., James B. Collinsworth, and John Clark, deputies; John Armstrong, coroner; Charles Smith, constable, beat No. 1; John R. Talley, surveyor; James B. Collinsworth, surveyor; Willard Richardson, deputy; Benjamin F. Neal, receiver of land dues; James W. Byrne, John White Bower, and Michael Fox, committee to inspect Land Office.

1841: Benjamin F. Neal, chief justice; Gideon R. Jaques, Henry Ryals, Jose Miguel Aldrete, and Edward St. John, justices. On September 1, 1841, Neal was chief justice, Aldrete, Peter Teal, Edward St. John, and Gideon R. Jaques, were justices. Ryals was killed September 1, and Matthew Cody appointed in his place. Peter Teal resigned same day. John W. B. McFarlane, county clerk; John Reagan Baker, sheriff; Joshua W. Littig and Charles Smith, deputies.; Archibald McRae, assessor; John R. Talley, treasurer; Joseph Callaghan, coroner; Charles Smith, constable; Israel Canfield, Jr., district clerk.

1842. Benjamin F. Neal, chief justice, Matthew Cody, Edward St. John, Jose Miguel Aldrete, and Gideon R. Jaques, justices. John W. B. McFarlane, county clerk; John R. Baker, sheriff; Bartlett Annibal, tax collector; Charles Smith, also tax collector; John R. Talley, treasurer. The election records after 1843 are incomplete. On October 4, 1843, John White Bower was elected chief justice.<sup>23</sup> J. W. B. McFarlane was clerk in 1843-1845. Walter Lambert was chief justice in Sept. 1843.

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<sup>23</sup> Lindley, *Biographical Directory*, 54.

By Act of January 18, 1845, Peter Teal was invested with authority as chief justice to reorganize Refugio County.<sup>24</sup>

1845: John Dunn, chief justice, Peter Teal, Patrick O'Boyle, James B. Wells, justices. John W. B. McFarlane, county clerk; Walter Lambert, sheriff; Lawrence Dorman, district clerk; William Dougherty, county surveyor (all elected June 21, 1845).

The senators from the Refugio district were: 1st Congress, Edwin Morehouse, James Power, John Dunn; 2nd, 3rd and 4th Congress, John Dunn; 5th, 6th and 7th Congresses, James W. Byrne; 8th Congress, William L. Hunter and 9th Congress, Henry L. Kinney. The representatives were: 1st Congress, Elkanah Brush; 2nd Congress, Elkanah Brush and James Power, 3rd Congress, Richard Roman; 4th Congress, Edward Fitzgerald; 5th Congress, Thomas Thatcher; 6th and 7th Congresses, John White Bower; 8th Congress, Alexander H. Phillips, and 9th Congress, John Dunn.<sup>25</sup>

A running commentary on some of these officials might prove interesting. William L. Hunter, the second chief justice, was one of the survivors of Fannin's command. After the war he settled at Goliad and became one of her most prominent citizens. He was never a permanent resident of Refugio County . . . Reuben Roberts was a protege of Mirabeau B. Lamar, who had him appointed as our surveyor. He eventually left the county. John R. Talley, known as "Squire" Talley, was at one time justice of the peace at Galveston. He became an early settler of Lamar and operated a tavern there. James C. Allen came to Texas as one of the captains in Morehouse's New York Battalion. He eventually moved to Victoria County. Willard Richardson became a *protege* of Judge Benjamin F. Neal, who owned an interest in the *Galveston News*.<sup>26</sup> Richardson in time became the owner and editor of the *News* and one of the most eminent Journalists in America. Joel T. Case, Richard Roman, Annibal, Baker, and Canfield, will have an active part in subsequent chapters of this history. John W. B. McFarlane was a San Jacinto veteran and a cousin of Dr. John Cameron and Ewen Cameron. Michael Fox became the husband of Sabina Brown, who has been prominently mentioned in this history and who will later play a heroine's role. Judge Benjamin F. Neal was a distinguished lawyer and soldier. He later became the first mayor of Corpus Christi and a legislator and district judge after statehood.

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<sup>24</sup> G. L., II, 1067.

<sup>25</sup> For biographies of these congressmen, see Lindley, *Biographies of Texan Conventions and Congresses*.

<sup>26</sup> Aarts, *Ghost Towns of the Republic of Texas*, 11-14.



Although Refugio County was one of the original counties of the Republic, its boundaries were never fully determined until after annexation. The "precinct" of Refugio was coextensive with the boundaries of the Power and Hewetson colony and the municipality of Refugio. That is, it comprised the ten littoral leagues between the Nueces and the Coleta-Guadalupe, as well as the islands lying within the protractions of its lateral lines. Willard Richardson, deputy county surveyor, ran the lines of Refugio County in 1839-1841. Dr. J. H. Barnard and Pryor Lea ran parts of this line at later dates. In 1841 the Congress defined the boundaries of Goliad County, the beginning call of which was the Coleta Creek on the line of Refugio County as run by Richardson, thence, running with said line to the Aransas River.<sup>27</sup> This extended the south easterly line of Goliad County several miles into the area of the old Power and Hewetson Colony. It was not until March 31, 1846, that the southern boundary of Victoria County was fixed as the San Antonio-Guadalupe.<sup>28</sup> The line of Calhoun County was fixed by act of April 14, 1846<sup>29</sup>, by virtue of which Cedar Bayou was made one of the lines. Thus Matagorda Island became part of Calhoun, while St. Joseph's remained part of Refugio.<sup>30</sup>

San Patricio County, as was the case with Refugio, coincided originally with limits of the McMullen and McGloin colony. Its southeasterly line was ten leagues from the coast, and its limits extended to within fifteen miles of San Antonio.<sup>31</sup> Later all of the vast territory lying between the Nueces and the Rio Grande, east of the Bexar-Laredo road, was added to it. By act dated April 18, 1846, the boundaries of San Patricio County were changed so as to embrace the ten littoral leagues between the Nueces and Aransas Rivers,<sup>32</sup> and so as to relinquish the area extending up towards Bexar. Thus it is said of San Patricio County that it is the only county in Texas which does not contain any part of its original territory.<sup>33</sup> This statement, however, is not exactly true, as a small area lying around the town of San Patricio was in the original county and still remains in the present county. Bee County

<sup>27</sup> G. L. II, 678; also III, 26. Act August 25, 1856 for relief of Richardson, G. L. IV, 668. Johnson, *Texas and Texans*, II, 625-628. *Hamilton v Menesee*, 11 Tex. 718; *White v Sabriego*, 23 Tex. 243; *Siddeck v Duran*, 67 Tex. 256, 3 SW.; *Willis Roberts to Lamar*, April 14, 1838, *Lamar Papers*, II, 139.

<sup>28</sup> G. L. II, 1341; Johnson, *Texas and Texans*, II, 678-680.

<sup>29</sup> G. L. II, 1354.

<sup>30</sup> Act September 1, 1856. G. L. IV, 522; Johnson, *Texas and Texans*, II, 676-678.

<sup>31</sup> Act May 24, 1838, fixing line between Bexar and San Patricio counties, G. L. I, 1506.

<sup>32</sup> Act April 18, 1846, G. L. II, 1392; Act Feb. 12, 1852. G. L. III, 968; G. L. IV, 937.

<sup>33</sup> Johnson, *Texas and Texans*, II, 632-633.



was created from Refugio, Goliad, and San Patricio counties, by Act of February 1, 1858.<sup>34</sup>

While the county seat of Refugio County was always assumed to be located at the Mission of Refugio, it was never so fixed by law until the creation of Aransas County in 1871.<sup>35</sup> Hence, it will be seen that although the officers ever regarded the town of Refugio as the lawful county seat, the business of the county was transacted at whatever locality which happened to be safe or convenient.<sup>36</sup>

After the war had ended, the town of Refugio was practically deserted. Most of the population could be found in the communities which were beginning to spring up along the coast and on the islands. Thus in 1837-1840 there was a larger population at each of the towns of Aransas City and Lamar and on St. Joseph's Island than there was at the town of Refugio. Even the Carlos Rancho could boast a larger population.<sup>37</sup> Live Oak Point (Aransas City) had a mail route as early as January, 1839. Lamar was added to the routes in 1840. There appears never to have been a post office in the town of Refugio during the Republic.<sup>37/1</sup>

When Chief Justice Allen came to the county in 1838, he found all of the official business being transacted at Aransas City. Practically all of the office holders lived at that place or at Lamar. Allen made an attempt to have the county business transacted at Refugio, but without much success. Chief Justice Neal, upon succeeding Allen, about the first of 1840, made a determined effort to keep the county offices at Refugio and the records kept in proper shape. The first records of the commissioner's court, now extant, are those begun under Neal's regime. The first entry in the minutes, dated October 12, 1840, relates to providing a court house. It was ordered that the sheriff take into his possession "the public property in the town of Refugio known as the Stone Church . . . said building shall hereafter be known as the court house of Refugio County until otherwise provided for."<sup>38</sup>

Because of the raids and depredations occurring at Refugio the public officers during Neal's administration had to flee the county seat from time to time and function at the Carlos Ranch,<sup>39</sup> Aransas City and elsewhere. In a suit involving the legality of an adminis-

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<sup>34</sup> Johnson, *Texas and Texans*, II, 624-625.

See Fulmore, *History and Geography of Texas as Told in County Names* (Refugio, San Patricio, Goliad, Bee, Aransas, Calhoun, Victoria).

<sup>35</sup> *Sevier v Teal*, 16 Tex. 372-375.

<sup>36</sup> Philip Power, *Memoirs*.

<sup>37</sup> Newsom, *Postal System of the Republic of Texas*, 20 Q. 103-131. G. L. 38, 260, 831, 952. 954, 1097, 1204.

<sup>38</sup> *Com. Min.* I, 1, 80. See also *Deed Records*, D, 144.

<sup>39</sup> *Probate Minutes*, R. C. Vol. A, p. 52, Show term of court held at Carlos Ranch on June 29, 1840, May 30, 1842.

tration granted by the probate court of Refugio County while functioning at the Carlos Ranch, the Supreme Court observed:

"From the evidence of Mr. Neal, who was chief justice at the grant of letters to Teal, it appears that his predecessor held his office at the Carlos' Ranch; that when Neal was appointed chief justice, he was residing at the city of Aransas; that the offices of the district clerk, of the sheriff and of the surveyor, were then kept at that place; that Neal, concluding it would be more convenient to the citizens of the county that the courts should be holden at the Mission of Refugio, moved his office up there, and the other officers of the county followed; that he remained at Refugio until the spring of 1842, when he was forced, by the invasion of the Mexicans, to remove the archives to Carlos' Ranch; that he had never seen any law designating the county seat of Refugio County. From this evidence it appears that the offices were kept for some time at Aransas before removal to Refugio. Could it be seriously urged that, under the circumstances, acts done by these officers were invalid because not done at the county seat; that a deed recorded there was no notice to a subsequent purchaser? There would be great difficulty, I apprehend, in sustaining any such propositions.

"But admitting that, in contemplation of law, the Mission was the county seat, it is believed that at the date of the grant to Teal the emergencies of the times were such as to justify the chief justice in holding his court elsewhere. They were such as to render it impossible that it should be held at the Mission. That was depopulated by the incursions of the Mexicans. The place was captured by a marauding force in 1841, and some of the officers of the court and inhabitants were taken and carried off as prisoners. Under pressure of the incursions in 1842, the Mission was abandoned and the inhabitants driven off (as said by a witness) to the San Antonio River. At the date of the grant, immediately after the irruption under General Woll, the whole country west of the Guadalupe, as stated by Mr. Neal, was in confusion, most of the people moving eastward. There were but two alternatives, either to close the courts altogether, or to hold then at Carlos' Ranch, the principal settlement in the county, and to which, or its neighborhood, most of the inhabitants had retreated.

"It cannot be admitted that, because a county seat has been captured or rendered uninhabitable, the administration of the laws should cease within the limits of that county. It does not follow that because the county town has been abandoned or become inaccessible, the county, though it be not depopulated, should lapse into disorganization. This would be an act of immolation

repugnant to every principle of sound policy, and not required by any fair construction of the law. The injunction to hold the courts at the county seats has reference only to the ordinary circumstances in times of peace, and cannot be construed to prohibit the holding of courts, altogether in times of war, for the reason that, under pressure of hostilities, it has become impossible or unsafe to hold them at the county seats.

"We are of opinion under the circumstances, as detailed in the evidence, that the grant of administration to Peter Teal is not void or impaired by the fact that the letters were issued at the Rancho of Don Carlos, and not at the Mission of Refugio."<sup>40</sup>

The organization of Refugio County was difficult from the start, and vacancies in the offices were so frequent and numerous that it can be stated that the county was never completely organized so that it could function normally. After 1842, when most of the county officers went off to the Mier expedition and did not return for many months, the organization practically collapsed; and at the time of annexation the county had just undergone another reorganization.

Although James C. Allen was appointed chief justice on November 10, 1837, after Congress had rejected his nomination as Judge Advocate General,<sup>41</sup> he did not arrive at his post of duty until the middle of 1838. Nothing could be done towards organization until he came. Reuben H. Roberts and other surveyors had to remain idle in the meanwhile.<sup>42</sup> The first regular election in Refugio County appears to have been that of April 25, 1839. Thereafter, elections were frequent, sometimes at the rate of two or three a year. Vacancies were constantly occurring in the congressional representation. On March 16, 1837, President Houston called an election in the Refugio district to elect a successor to Senator Morehouse. John Dunn was ordered to hold the election in this county on April 17.<sup>43</sup> The president on August 2, 1837, ordered another election for September 4, to fill this vacancy.<sup>44</sup> Another election proclamation was issued October 7, 1837, for a representative, the seat of Elkanah Brush having been declared vacant by the House of Representatives.<sup>45</sup> The general election was held on September 3, 1838.

In all elections for members of Congress or nation-wide referendums held during the republic the election laws provided that in case of the depopulated counties that polls should be open "where the citizens of said counties may be temporarily residing, until such

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<sup>40</sup> *Sevier v Teal*, 16 Tex. 372-375.

<sup>41</sup> Williams, *Writings of Sam Houston*, II, 122, 149.

<sup>42</sup> *Lamar Papers*, II, 41.

<sup>43</sup> Williams, *Writings of Sam Houston*, II, 70.

<sup>44</sup> *Id.*, II, 135.

<sup>45</sup> *Id.*, II, 143.



times as the citizens of said counties may be permitted to return with safety to their homes.”<sup>46</sup> Citizens of Refugio County voted in these elections at Victoria and Houston. In the election for the removal of the capital from Houston to Austin, the vote of San Patricio County was cast by 3 in Houston and 4 in Victoria.<sup>47</sup>

An example of meetings out of the counties of legal residence, was one held by citizens of San Patricio sojourning in Victoria, on July 27, 1839. A. Ferguson had been elected Chief Justice of San Patricio, but the sojourning citizens did not like his conduct and petitioned the President to remove him and appoint Michael Healy in his place. The resolution adopted at the meeting declares that Ferguson was living at the Kinney & Aubrey Ranch at Corpus Christi when the election was held and that he had been in league with enemies of the Republic, probably the Federalists, and had gone to the capital at Austin to represent them. Andrew Boyle, Patrick Fadden, and Thomas Sweeney were the committee on resolutions.<sup>48</sup>

These proceedings were followed by a delegation, composed of Festus Doyle and Patrick McGloin, going to Houston on September 2, 1839, to demand that the President order a poll to be opened for San Patricio as a “depopulated county.” President Lamar requested the Attorney General for an opinion.<sup>49</sup>

Few of the counties had jails. Refugio was one of the majority. The law authorized the sheriffs to rent or lease buildings for jails.<sup>50</sup> In 1838 the Congress enacted a law, “That in case of offenses committed in either of the counties of San Patricio, Victoria, Goliad, and Refugio, it shall be the duty of the sheriff of the county in which such offense shall have been committed, upon the order of the Chief Justice of said county to transport the offender or offenders to the nearest county where the district courts are regularly organized and held for trial.” Such act was to cease its operations in each of such counties “whenever a district court shall be regularly organized and held in the same respectively.”<sup>51</sup>

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<sup>46</sup> Id. II, 262.

<sup>47</sup> G. L. I, 1292, 1351.

Williams, *Writings of Sam Houston*, II, 317-321.

“In 1837 Elkanah Brush received one vote at Houston for representative from Refugio county and five votes at Victoria. William E. Walker received eight votes at Victoria. Brush appeared as representative in the special session of the second congress with Walker contesting the elections. The report of the committee on privileges and elections was to the effect that Walker had a majority of the legal votes of the county, but had not the qualifications of citizenship and residence, and recommended that the election be again referred to the people. At an election held at Victoria, October 21, 1837 . . . the names of six voters are given, all of whom voted for James Power. There are other cases to show that elections for Refugio County were held in Victoria and Houston.” *Harriet Smither to Author*, June 19, 1941.

<sup>48</sup> Lamar Papers, III, 52.

<sup>49</sup> Lamar Papers, III, 94, 95-96.

<sup>50</sup> G. L. I, 1306.

<sup>51</sup> G. L. I, 1497.



It is doubtful if a term of the district court was ever held in Refugio County during the Republic. The early records of the district court were burned in the court house fire of 1879.<sup>52</sup> In the archives at Austin may be found a number of petitions, signed by members of the bar and citizens requesting the district judge to pass up various terms at Refugio. The Fall term, 1841, was certainly not held.<sup>53</sup>

The county's poverty stricken condition can be surmised from various acts of Congress enacted for the relief of citizens of the depopulated counties. By Act of December 21, 1838, the "citizens of the counties of Gonzales, Victoria, Goliad, Refugio, San Patricio, and Bexar, now actually residing in those counties, and those citizens of said counties who have been carried captive by the enemy, and those citizens of said counties who have been compelled by the incursion of the Mexicans and Indians to abandon their homes "were exempted from direct taxation."<sup>54</sup> Texians who were captured in the Woll invasion of 1842 were exempted from taxes while in prison.<sup>55</sup> as were the Mier prisoners.<sup>56</sup> By Act of January 22, 1845, the citizens of Refugio, San Patricio, and Goliad counties were "exonerated from payment of all direct taxes up to date of passage of bill, provided the head of a family shall not be exempt from payment of taxes on more than a league and a labor of land, and a single person not more than one-third of a league."<sup>57</sup>



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<sup>52</sup> W. L. Rea, *Memoirs*; L. B. Russell, *Letter to Author*. This date is proved in Cause No. 3010, District Court, *Town v Mitchell*.

<sup>53</sup> G. L. II, 806.

<sup>54</sup> G. L. II, 11.

<sup>55</sup> G. L. II, 856.

<sup>56</sup> G. L. II, 929, 979.

<sup>57</sup> G. L. II, 1071.

## CHAPTER XXI

### ATTEMPTED RESETTLEMENT



HO' far, far away her own children had left the land, and remained away, the pall of war had scarcely lifted before many strangers began flocking to Refugio's fertile coasts. There always has been, and there still remains, an indescribable something about Refugio County which differentiates her from every other place on earth; an inherent and seemingly divine power to attract those broken in morale or fortune, mend and rehabilitate them, and send them forth with renewed strength and courage to strive and to conquer. This quality has impressed all who have sensed it. Many throughout the generations have found sanctuary beneath Refugio's healing wings and have been made whole. This strange attribute evidently was noted by Padre Garza, and inspired the name of his new mission—Our Lady of Refuge.<sup>1</sup>

Those who now came to the peninsulas of Live Oak and Lookout were all sorts and conditions of men. Young men, weary of battle, and seeking foundations for economic security; young men, seeking battle and fields for adventure; young men seeking surcease from unrequited love affairs. Older men, seeking to restore blasted fortunes or to repair impaired characters; older men, seeking homes; older men, seeking convivial companionship; older men, with the spirit of adventure still lurking in their beings. Men, old and young alike, who stood in dread of the law.

Among the first settlers on Live Oak Peninsula was the Welder family. It will be remembered that they had landed at El Copano in 1833 as members of the Beales and Grant colony. They had gone with it to the Rio Grande. After the breakup of Dolores they had gone first to San Fernando, then to Matamoros. There the wife of Francis Welder had died. In May, 1836, Francis Welder and his two sons, John and Thomas, landed at Black Point, on Copano Bay. They applied for head rights, but, pending their issuance, established a ranch near the home of Colonel Power. A few years later the sons took up land on the Aransas River above Black Point. John Welder married Dolores Power, the eldest daughter of the *empresario*.<sup>2</sup> Francis Welder continued to live on Live Oak Peninsula until 1845; then he moved to the town of Refugio.<sup>3</sup>

<sup>1</sup> Castaneda, *Catholic Heritage*, V, 74-75.

Probably the first settlers on Lookout Peninsula were the Ballou family. Seth Ballou had been a seafaring man, and had previously operated a ferry in east Texas.<sup>4</sup> He established the first steam ferry in Refugio County, operating between Lamar and Aransas City.<sup>5</sup> The land on which Ballou settled, however, was taken up by Captain James W. Byrne, who founded thereon the town of Lamar.

On the islands—St. Joseph, Matagorda and Mustang—a population began to spring up immediately the war had ended. The nucleus of this population was sea-faring men—some of whom were reputed to have been with Lafitte—others had served with the Texian navy, or on privateers. One of the earliest of the inhabitants of St. Joseph's Island was Captain James B. Wells, who had served in the Texian navy and had been for a time in charge of the navy yards on Galveston Island.<sup>6</sup>

Many of the earliest post-revolutionary settlers along the Refugio coast were ex-soldiers, principally among whom were former members of Morehouse's Battalion, and Captain Louis P. Cook's company of that battalion.

Towards the close of 1836 or in the early part of 1837, Colonel Power established a large mercantile business near his home at Live Oak Point. As the old landing of El Copano had been included in his land grants, he used the old Mexican custom house (thereafter known as *Copano House*) as an auxiliary warehouse. Power did a large importing and forwarding business, handling large quantities of tobacco and manufactured goods, brought by sea to Live Oak Point, and El Copano. Between El Copano and Bexar and Goliad he operated ox carts, hauling supplies from the coast to those inland points. Associated with him in the mercantile business was Walter Lambert, his protegee.<sup>7</sup>

Power, seeing the need of a western port to serve Bexar and Goliad, in 1837, projected the town of Aransas City, on Live Oak Point. The townsite, which covered considerable area, was surveyed and platted, but unfortunately no copy of the plat can be now found.\* The site of this town is said to have been the old Spanish landing and garrison point, known as *Aranzaso*. The townsite was laid off in blocks, lots, and streets. One of the streets was named

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<sup>2</sup> Huson, *Saint Mary's of Aransas*, Philip Power, *Memoirs*.

<sup>3</sup> Francis Welder, *Depositions*, Wood v Chambliss. D. C. Refugio County.

<sup>4</sup> Lyman B. Russell, *Letters*.

<sup>5</sup> *Com. Min.*, I, 405.

<sup>6</sup> Johnson, *The Two Sea Captains Johnson*.

<sup>7</sup> Philip Power, *Memoirs*.

\* A plat of Aransas City will appear in Oberste, *Texas Irish Empresarios*.

Washington, another, Market. Power, who was always a religious man and generous with the Church, donated 100 acres of bay front land to the Catholic Church for a church, school, and religious purposes.<sup>8</sup> However, no buildings appear ever to have been erected on it.

A customs house was almost immediately established at Aransas City,<sup>9</sup> as was a post-office. The first collector of this port was Colonel George W. Fulton. He resigned in the winter of 1838.<sup>10</sup> Governor Henry Smith was collector 1838-1839;<sup>11</sup> Major Samuel Hewes, 1839-1840; Alexander Stevenson, 1840;<sup>12</sup> Henry Redmond, (1843- ). The port still had a collector at the time of annexation.

Contemporaneously, a townsite was being built across the pass on Lookout Peninsula. The rival town was named Lamar, in honor of General Lamar. After the latter had become president, efforts were made by Captain Byrnes to have the custom house removed from Aransas City to the town of Lamar.<sup>12</sup> Colonel Power was recognized as being a close personal and political friend of General Houston, which was not calculated to help the cause of Aransas City. Besides, General Lamar and his associates were then endeavoring to locate land certificates on lands which had been granted to Power. In the early part of 1839, the president ordered the custom house transferred to his namesake town, and the order was complied with.

On June 15, 1839, a citizen's meeting was held at Aransas City to protest the removal of the customs house. Colonel Henry L. Kinney presided over this meeting and at its adjourned meeting on June 17. Colonel James Power, Colonel George W. Fulton, Edward Fitzgerald, Joel T. Case, R. C. Jackson, and Colonel Kinney were the committee appointed to draft resolutions.<sup>13</sup> The memorial, which was adopted on June 17, was as follows:

"Whereas the Custom House for the entry of goods in the Bay of Aransas has been recently removed as it is understood by the authority of the present Executive from the City of Aransas on Live Oak Point, to a place opposite called Lamar, a place unapproachable by vessels drawing seven feet of water within three quarters of a mile of the shore, and moreover affording an unsecure anchorage to vessels during a stress of weather from any point of the compass except the North to a place

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<sup>8</sup> Philip Power, *Memoirs*.

<sup>9</sup> Philip Power, *Memoirs*, See G. L. II, 393, 260.

<sup>10</sup> Philip Power, *Memoirs*; Daniell, *Representative Men*, 12-19. *Lamar Papers*, I, 220-221.

<sup>11</sup> Philip Power, *Memoirs*; Daniell, *Representative Men*, 1012; *Brown Life and Times of Henry Smith*; *Lamar Papers*, I, 220-221.

<sup>12</sup> G. L. II, 1093.

<sup>13</sup> *Lamar Papers*, III, 21-23.



located on land previously titled to another person and entirely aside from the natural channel of trade now about to be opened with the Mexicans and settlers [sic] in the county, and whereas for the last twelve months the City of Aransas on Live Oak Point has been known and acknowledged as the port of entry on this bay and as such many of us, the oldest citizens and the earliest settlers [sic] of Texas have stood ready in times of threatened danger to defend it and the revenue [sic] of the country with our lives and our humble fortunes in our hands— And whereas this point has the advantage of Excellent Harbour and anchorage sheltered from the force of the winds in Every direction, with seven feet water within one hundred yards of shore and the place having a direct communication with the western portion of Texas and the Mexican frontier without the interposition of impassable streams, and comparatively secure from Molestation by the hostile Indians that range through the region of country between this Bay and the mountains—The place seeming to be destined by natural train of events up to this time to become at no distant period the great commercial emporium of western Texas without having recourse to the miserable shifts of modern puffing and without calling to its aid the affiliation of dignitaries or a lengthened vocabulary of agencies in foreign lands therefor—

“Resolved that in our opinion the removal of the Custom House as aforesaid is in direct opposition to the wishes and interests of the country at large and to those the citizens of Refugio County in particular and is an arbitrary stretch [sic] of power and favoritism not to be borne tamely by the citizens of a free Republick.

“Resolved that we deem it a duty we owe ourselves, our fellow citizens and the country of our adoption to set this matter forth publicly in its true light that it may be seen to what a pass rulers may be brought when biased by contracted and sinister views, and that such judgement may be passed upon acts of its kind as a free and independent people have a right to decide upon the deeds of their fellow servants.

“Resolved that we can conceive of no reason for the removal aforesaid other than the fact that the acting Secretary of the Treasury was at the time an Alien and unacquainted with our Constitution and laws and with the general weal of the country or through special favoritism to the place from its being called ‘Lamar’ after the present President of this Republick as the place was never intended by Nature nor can it be made by art without the Expenditure of millions of dollars a town of any importance.

"Resolved that as we view with deep and fearful concern this step of the Executive as making use of a power not granted him by the Constitution or laws, a power inimical to the best interest of the Country and subversive of the right and the freedom of this people.

"Resolved that a copy of this proceedings of this meeting be signed by the Chairman and Secretary and forwarded to the President and also a copy to the Editor of the Houston Telegraph and one to the Editor of Civilian Galveston for publication with a request that other papers may republish same.

S. PARSONS GRISWOLD, *Secy.*

H. L. KINNEY, *Pres.*

The President paid no attention to this memorial. During his administration a light house was built at Lamar. However, the citizens of Aransas City were not without friends in Congress. On December 13, 1839, that body enacted a law making the City of Aransas the port of entry for the customs district of Aransas.<sup>14</sup> The customs house was moved back to Live Oak Point and there remained until Texas ceased to be a Republic.

The port of Aransas City had been established at a propitious period, and the loss of the customs house at that particular time would have been a staggering blow to its prospects. Although the war was officially continuing, a persistent unofficial trade began between the citizens of Northern Mexico and the citizens of Texas. The caravan routes led through Refugio County. The Mexican government frowned upon this unofficial trade existing during the state of war. The government frequently sent large bodies of cavalry to the Nueces to break up the trade and, incidentally, to harass the Texians living near the frontier. In the winter of 1837 a force of some 200 Mexican dragoons appeared at San Patricio, and a squadron rode over to Refugio. No injury was done either place. Captain John F. Kemper sent word of this raid to the Texian government.<sup>15</sup>

The Mexican trade of Aransas City and Lamar was further stimulated by the simultaneous outbreak of Mexico's troubles with the *Federalistas* of Northern Mexico and the so-called "Pastry War" with France.<sup>16</sup> The French navy blockaded the Mexican ports from Matamoros to Yucatan. The Mexicans then sought to land supplies at landing places between Corpus Christi Bay and Brazos Santiago. The French respected this coast as being a part of Texas. The landing of cargoes by Mexicans, irrespective of the official or unofficial nature of the business, was smuggling so far as the Texian

<sup>14</sup> G. L. II, 393. In 1842 attempt was made to move the custom house back to Lamar. *Journal of Sixth Congress* I, 339.

<sup>15</sup> Philip Power, *Memories*.

<sup>16</sup> Priestley, *The Mexican Nation*, 292-293.

government was concerned; and the Customs Service at Aransas City was energetic in raiding the Corpus Christi area and seizing as contraband all Mexican goods found there. *Flour Bluff*, near Corpus Christi, derives its name from the fact that a cargo of contraband flour was there seized in 1838 by Texian customs officials operating out of Aransas City.<sup>17</sup>

Though the Mexicans had difficulty in bringing in supplies via the coast from Corpus Christi south, they apparently had no trouble with Texian officialdom if they did their trading in Aransas City, Goliad, and Victoria, or if the goods were landed at Corpus Christi by *Texian* smugglers. There were several gentlemen residing at Aransas City who had experience in that business. Captain John C. Pearse had helped John J. Linn land a cargo of contraband tobacco at Corpus Christi in 1829.<sup>18</sup> Richard Pearse had been in the mercantile business in Mexico, prior to coming to Live Oak Point. Captain John Clark was a sea-captain of renown, and had done his share of filibustering in South America. There were several other old sea-dogs living at Aransas City and on the islands.<sup>19</sup>

The Texian Congress enacted a law, approved January 26, 1839, authorizing the President to give every support and encouragement in his power to the trade between the Western settlements of the Republic and those of the Mexican Government on the Rio Grande.<sup>20</sup> On February 21, 1839, President Lamar issued his proclamation opening a trade with the Mexican citizens of the Rio Grande. The proclamation specified the military post of *Casa Blanca* on the Nueces as the point of clearance of all Mexican traders desiring to enter Texas. From that point the traders had the option of proceeding to either Goliad or Bexar, where they would receive their licenses to trade.<sup>21</sup> This proclamation, it will be seen, by-passed Aransas City, whose leading citizens were not in political good standing with the President.

Live Oak Point retained most of its trade, however, because of activities of robbers and Indians who way-laid, attacked, and plundered going and coming caravans between Goliad, Refugio and the Rio Grande. Traders were killed and stripped and their bodies left lying in the wilderness. The legitimate and contraband trade of the Aransas ports with Mexico continued unabated until Aubrey

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<sup>17</sup> Jenkins, *History of the War with Mexico*, 52.

<sup>18</sup> Linn, *Reminiscences*, 10-12; *Caller-Times*, *Corpus Christi Guide*, 41-42; Philip Power, *Memoirs*; Williams, *Writings Sam Houston I*, 201, 225, 241, 242, 262; *Life*, etc. Benj. Lundy, 151-153.

<sup>19</sup> Philip Power, *Memoirs*.

<sup>20</sup> G. L. II, 117.

<sup>21</sup> *Lamar Papers*, II, 457-458. For notes on *Casa Blanca*, see McCampbell, *Saga of a Frontier Seaport*, 16-17, 132.



and Kinney established their trading post at Corpus Christi, about September, 1839.

It would appear that Colonel Kinney had intended originally to make his headquarters on Mustang Island. In 1839 he leased the whole of the island from Colonel Power. He remained in possession thereof until after 1850.<sup>22</sup>

The importance to Colonels Power and Kinney of having the customs house at Aransas City will be apparent when we take up the episode of the Federalist Wars.

Aransas City was made an incorporated town, by act of Congress, approved January 28, 1839.<sup>23</sup> The first and only mayor of whom we have any record was Colonel Power. The first election of town officers was held the second Monday in February, 1839. Power and Walter Lambert were postmasters during most of the town's existence.<sup>24</sup>

Among those who lived at Aransas City were: John Armstrong, William P. Aubrey, James C. Allen, Bartlett Annibal, John R. Baker, Edwin Belden, Ewen Cameron, Joseph Callaghan, Joel T. Case, Israel Canfield, Jr., John Cassidy, Casterline, John Chain, John Clark, Matthew Cody, Henry Crooke, George M. Collinsworth, James B. Collinsworth, William Davis, Philip Dimmitt, Edmund Drew, Duncan Drummond, John Ely, Jeremiah Findlay, Edward Fitzgerald, Moreau Forest, Michael Fox, George W. Fulton, Cyrus W. Egery, Richard A. Foster, S. Parsons Griswold, Samuel Hewes, William Henry Hunter, Benjamin C. Jackson, R. C. Jackson, Gideon R. Jaques, John Henry Johns, Daniel Kean, A. H. Kinney, Henry L. Kinney, Arnaud Victor Loupe, Martin Lawlor, Patrick Lambert, Joshua W. Littig, Walter Lambert, John McDaniel, William McDaniel, John W. B. McFarlane, John McSherry, William Mann, David Morris, James H. Morris, Benjamin F. Neal, Thomas Newcomb, Stewart Newell, Edward O'Boyle, Edward Joseph O'Boyle, John O'Brien, Edward O'Connor, Peter O'Dowd, Alexander H. Phillips, Leonard Pickens, James Power, Martin Power, John C. Pearce, Richard Pearce, Stuart Perry, Samuel A. Plummer, Francis W. Plummer, Joseph E. Plummer, Sr., Joseph E. Plummer, Jr., Thomas Ransom, Henry Redmond, James Reynolds, Willard Richardson, James W. Robinson, Reuben H. Roberts, Willis Roberts, Richard Roman, Henry Ryals, Governor Henry Smith, John W. Smith, Joseph F. Smith, John Sutherland, Alexander Stevenson,

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<sup>22</sup> *Deed Records*, R. C. C. 441.

<sup>23</sup> G. L. II, 99.

<sup>24</sup> Philip Power, *Memoirs*.



John R. Talley, Thomas Thatcher, John Toole, William Trapnell, John Trapnell, Francis Welder, John Welder, Thomas Welder, Alvin E. White, Samuel Addison White and Samuel W. Wybrants, Richard Power, Lewis H. Gibbs.

No description of this interesting community is now available. There appears to have been a tavern and public house operated by Gideon R. Jaques, who had once organized a commercial club at Matagorda. The home and the commissary of Colonel Power has been mentioned. There were probably other stores, wharves and warehouses, and a number of wooden residences. Several lawyers established offices and hung out their shingles. Among them were Benjamin F. Neal, Edward Fitzgerald, Governor James W. Robinson, and Governor Henry Smith. Robinson and Fitzgerald had a law firm in 1840, after the former had retired from the district bench. Willard Richardson was admitted to the bar and appeared in some probate cases in 1841.<sup>25</sup> Samuel A. White became an attorney, but whether he practiced at Live Oak Point is not known. James C. Allen also appears to have been a lawyer, as was Colonel Samuel A. Plummer.

The surveying profession was well represented. It included Reuben H. Roberts, James B. Collinsworth, Joel T. Case, Willard Richardson, Victor Loupe, Joseph E. Plummer, Sr., and Samuel Addison White. Case, incidentally was a Presbyterian minister, but was of an adventurous disposition, as we shall see hereafter.

Many of those assembled at Live Oak Point were interested in land speculation and promotions. Colonel Samuel A. Plummer was probably the most intimate friend General Lamar ever had in Texas. He was also his partner and personal attorney. His business in the section was to locate certificates for himself and Lamar on lands at the mouth of Copano Creek. After this locating had been done, it was proposed to establish a townsite there.<sup>26</sup> The townsite never materialized.

Major Stuart Perry, a rantankerous fellow who wielded a caustic pen, seems to have been an irrepressible speculator. It would seem that in 1834 he sailed to Texas with immigrants from England and Ireland, "with one year's provision and all implements of husbandry for the purpose of establishing a colony." He met with an accident in the gulf, and returned to New Orleans, where he engaged in brokering and private banking.<sup>27</sup> He appears to have been active

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<sup>25</sup> Philip Power, *Memoirs*, See R. C. *Probate Minutes*, A, 39.

<sup>26</sup> *Lamar Papers*, II, 452, 492, 516, 524, 534, 573, 583; III, 33, 66, 381, 392; V, 251, 261.

<sup>27</sup> *Lamar Papers*, I, 463.

in aiding the Texians during their war, and kept a ship at the disposal of the revolutionary government. He advanced considerable sums of money on drafts drawn by the provisional government, and when payment was not made by Toby, the *charge d'affaires*, Perry remarked that such refusals would destroy the credit of Texas, to which Toby made the classic reply, "Credit! That's gone to Hell already!"<sup>28</sup> Belated justice was done when on February 16, 1858, the legislature passed a bill for Perry's relief, acknowledging that the state owed him, \$38,053.23.<sup>29</sup>

Perry transferred his field of operations from New Orleans to Live Oak Point, in September, 1838. He at once became involved in a dispute with Collector Fulton.<sup>30</sup> We next find Perry engaged in promoting the town of Port Preston, on Mission Bay. The town-site was laid out and platted on land which had been granted to Robert Patrick Hearn, colonist, 1834. Perry proposed to contest the title with Hearn. A wealthy New York lady, Maria De Bar appears to have been the financial backer of Port Preston.<sup>31</sup> The town was incorporated by Act of Congress approved January 26, 1839,<sup>32</sup> a few lots were sold according to the deed records. He sold this venture to John H. Norton, who did nothing further with it. We last hear of Perry locating certificates in Goliad County. Several surveys in that county bear his name. He is said to have been a kinsman of Edward Perry, the Refugio colonist.

Governor Smith and members of his family eventually proved to be the greatest of all the speculators, so far as this county is concerned; but that will form the basis of another story. At the outset Smith built a fine home on Live Oak Point, not far from Power's. His son-in-law Colonel George W. Fulton in after years built the mansion at the town of Fulton. It is said that John Henry Brown's *History of Texas* and his *Life and Times of Henry Smith* were written in the Smith and Fulton homes on Live Oak Peninsula. Governor Smith and Sam Houston had stood together during the stormy days of the General Council and Colonel Power had been a faithful friend to both. Power not only welcomed Smith to Live Oak Point as a personal friend, but employed him as his attorney, and gave him an opportunity to associate himself in Power's many ventures.

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<sup>28</sup> *Lamar Papers*, I, 482-483.

<sup>29</sup> G. L. IV, 1135; Binkley, *Correspondence* II, 638, 690, 892.

<sup>30</sup> *Lamar Papers*, II, 220-221.

<sup>31</sup> *Refugio Deed Records*, D, 508. E, 120-122, 205.

See *Commissioners Minutes*, I, 33.

<sup>32</sup> G. L. II, 118.

The most glamorous of all the speculators gathered at Live Oak Point, was Colonel Henry L. Kinney, who came there in 1838. Although then but 25 years of age he had left a trail of romance and glamor in his wake, including the almost successful courtship of Daniel Webster's daughter, and the purveying to several filibustering expeditions. The prospect of a lucrative trade with the Mexican Federalists, probably attracted him to Live Oak Point, and shortly to Corpus Christi. While at Aransas City he was associated with Colonel Power in several ventures, some of which will be discussed in an appropriate place. After moving to Corpus Christi he formed a partnership with William P. Aubrey.<sup>33</sup> William P. Aubrey was a native of Wales. After remaining Kinney's partner for several years he removed to Mobile, Alabama. He was the father of the late Judge William Aubrey, of San Antonio.<sup>34</sup>

Among those listed as residents of Aransas City were several sea captains and a number of professional soldiers of fortune. Some of these men were in Refugio County prior to embarking in the Federalist wars, while others came to the county after serving in the first or second Federalist campaigns. This will be given treatment in a subsequent chapter.

Shortly after the close of the revolution, Captain James W. Byrne located a survey of 1428 acres on Lookout Peninsula, on lands which had been granted by the Mexican government to Power and Hewetson. On this tract Byrne, George Robert Hull and George Armstrong laid out a townsite which they named Lamar. This is the only one of the coastal towns of Refugio County, projected during the republic, which exists at the present time. Byrne was a well educated man, and his wife was a near kinswoman of Bishop John Mary Odin, first Catholic Bishop of Texas. Members of the Byrne family had been educated in France. The rivalry of Lamar with Aransas City has been already mentioned.

Among the earliest settlers of Lamar were Seth (James) Ballou, James W. Byrne, William Byrne, James Upton, John R. Talley, George Armstrong, James Gourlay, Jr., Israel Canfield, Jr., John Chain, Frederick Gunderman, Wm. J. Hay, S. L. Lynch, William Lewis, Joseph Magaratt, Joseph Meekers, Archibald McRae, Leonard Pickens, Alvin E. White, Isaac E. Robertson, and George R.

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<sup>33</sup> Charles G. Norton, *Life of Henry L. Kinney*, Published in *Corpus Christi Caller Times*. The revised and enlarged MS has been kindly loaned by Mr. Norton to the author, as also the Milford P. Norton Papers. Mr. Charles G. Norton is undoubtedly the greatest living authority on Colonel Kinney. See also, McCampbell, *Saga of a Frontier Sea Port*. Also Philip Power, *Memoirs*. Hortense Ward has an exhaustive biography of Kinney in preparation.

<sup>34</sup> Chabot, *Perote Prisoners*, 142-143, 154, 266.



Hull. Alexander H. Phillips practiced law at Lamar during the days of the republic. He married a daughter of Archibald McRae.<sup>35</sup>

In 1837 or 1838 settlers began to move upon lands in the Black Point area. Black Point was a well known landing place from the days of the Spaniards. It is the site of the present-day village of Bayside. The Aransas River empties into Puerto bay below the point, and the action of the waters emerging through the bay has during the ages cut off from Live Oak Peninsula a tract of land which is known as Egery's Island. Major Cyrus W. Egery, a Texian veteran, who served under General Thomas J. Green, established a home on this island about 1838 or 1839. Squarely on the point itself Peter Doren (Doring) built a house and established a ranch about the same time.<sup>36</sup>

Several miles up the Aransas, at "El Alamo," the site of Martin de Leon's ranch in 1805,<sup>36/1</sup> the Aldrete family had a large ranch. Their holdings included not only the grants to Jose Miguel and Jose Maria Aldrete, but the Jesusa de Leon (Manchola) grant as well. Their ranch house was located about a half mile below the Aldrete crossing of the Refugio-Corpus Christi road.

In 1841 the Aldretes sold part of their holdings on the Aransas River to Captain Philip Dimmitt. The latter was preparing to move on the land and establish a ranch when he was captured by the Mexicans on July 4, 1841, near the present town of Calallen. This land eventually passed into the hands of the Welder family.<sup>37</sup> Thomas Welder bought 100 acres of the Dimmitt land fronting Aransas River and built a home there into which his family removed about 1842 or 1843.<sup>38</sup> Jacob Kring, an orphan boy, lived with them.

The Welders moved to the Black Point area during the republic. Henry Clark was in partnership with Welder in the cattle business. Clark traded horses on a large scale and made frequent trips to Mexico on trading expeditions. Clark also did surveying.<sup>39</sup>

The Castillo family had a ranch near the Aldretes during the colonial period and throughout the republic.

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<sup>35</sup> Philip Power, *Memoirs*.

<sup>36</sup> Huson, *Saint Mary's of Aransas*.

<sup>36/1</sup> "El Alamo" was a prominent cottonwood tree on the Aransas River. Henry Clark, *Depositions*, in *Linney v Wood*, D. C. Refugio County.

<sup>37</sup> Chabot, *Perote Prisoners*, 41, 142; Huson, *Saint Mary's of Aransas Texas* P. Dimmitt, *Depositions*, *Linney v Wood*, Refugio D. C.

<sup>38</sup> Louisa Welder, *Depositions in Linney v. Wood*, 1868 D. C. Victoria county.

<sup>39</sup> Henry Clark testified that in 1840 he accompanied by James Power, James W. Byrne, Thomas O'Connor, and an Indian boy met at Tule Lake, at the mouth of the Chiltipin, for the purpose of establishing boundaries with the Aldretes who at that time were living near Corpus Christi, *Linney v. Wood*.



## CHAPTER XXII

### THE BLOODY BORDER



REFUGIO COUNTY during the entire existence of the Republic of Texas was a frontier county, with the Nueces River as its western boundary. Although Texas claimed the Rio Grande as her boundary, the territory between that stream and the Nueces was a trackless waste, unpopulated save for a few settlements on the north bank of the Rio Bravo, and an occasional Mexican *hacienda* or *rancho*. The area between the Guadalupe and the Nueces was almost a No Man's Land and was constantly overrun by Mexican and Texian raiders and wild Indian bands.

One of the first measures of the Texian Congress was to provide for the protection of the country. A standing army and an organized militia were authorized by Act of December 6, 1836.<sup>1</sup> In 1837 the republic was divided into two militia brigade districts. Each county was subdivided into militia precincts or beats. Refugio County was divided into two militia beats and included in the Brigade West of the Brazos.<sup>2</sup> This organization remained until 1846 when Refugio County was placed in the second brigade district of the fifth division area.<sup>3</sup>

Besides the regular army and the organized militia (which existed mainly on paper), the republic had the ranger force, which had been created by the General Consultation in 1835. This force was efficient and effective and set the fine standard which gave the Texas Rangers the world-famed reputation it has attained. However, this valiant little corps was too inadequate to protect all of the frontiers. Therefore, from time to time the Congress authorized the raising of various bodies of special troops to operate along the borders of civilization.

The first of these special troops was a battalion of 280 mounted riflemen, which the president, in his discretion, could increase to a full regiment of 560 men, rank and file. Each member of this organization had to furnish his own mount and arms. In addition to regular army pay he was entitled to receive certain land bounties.<sup>4</sup> Thus the law remained from December 5, 1836, until 1839, when conditions on the western frontier got so bad that further measures had to be taken.

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<sup>1</sup> G. L. I, 1114-1115.

<sup>2</sup> G. L. I, 1427.

<sup>3</sup> G. L. II, 1400.

<sup>4</sup> G. L. I, 1113, 1134.

Mention has been made that from the close of the revolution to the end of the republic, intermittent, border warfare was kept up by the nationals of both countries. A few of the raids made by the Mexicans were essentially military in character, but most were by irregular or guerrilla parties.

Within a short time the irregular warfare degenerated into raids and forays by private individuals back and forth across the Nueces, to recover or drive off cattle and live stock or to make reprisals for wrongs which nationals of one country sustained at the hands of nationals of the other. This condition of affairs began with Mexican partisans making incursions into Texas as far inland as Gonzales and driving Texian cattle into Mexico. The despoiled owners would gather their friends, and, perhaps rangers and local peace officers, into a posse and pursue the raiders sometimes as far as the Rio Bravo. If they caught up with the thieves a bloody fight was certain to ensue, with no quarter asked or given by either side. More often the despoilers made good their escape with the stolen cattle. In such cases the Texian posses looked about for Mexican owned cattle and drove these back to Texas. Perchance the cattle so taken belonged to honest and innocent *rancheros*, who in righteous indignation rallied their own *amigos* and crossed the Nueces in quest of their property. The same not being found, they resorted to the methods of the Texians and brought off whatever stock they could lay their hands on. Matters thus became complicated, and plain thieves on both sides, having no real wrongs to redress, but pretenses only, began cattle rustling right and left and stole from friend and foe alike.

On September 13, 1839, Lieutenant John Browne, of the Texian regular army, made the following official report to the Secretary of War:

"When I arrived in Victoria I found it filled with a set of men who had given themselves the title of a *band of Brothers*. I soon found that what they said was Law. They are all in the cow stealing business, and are scattered all over this frontier. They pretend to say that they steal only from the enemy, but I am convinced to the contrary, that they steal from the Texians as well as Mexicans. I think it well to mention the names of the prominent persons engaged in order that the Government may be better acquainted with some of its officers: Mr. Hughes [Major Samuel Hewes], the Custom Officer for Copano, headed a party not long since and drove in four hundred head of cattle; a Mr. Price [Captain John T. Price], formerly a Lieut. in the Army also heads a party, Mr. [Cornelius] Van Ness says he thinks

Judge [James C.] Allen at Carlos Rancho is silently connected with them. I have been told that they drove off from Carlos Rancho a Caballarda belonging to Jose Miguel Aldrete and Colonel Juan N. Seguin; that the owners know well where the property is but dare not proceed to recover it. Also that the cow stealers when on the Nueces the other day (some of them badly mounted) took from a party of Mexican traders all their property and killed eight of them . . .

"When I was in Goliad one of the Gang asked me in a commanding way if I belonged to [Captain Reuben] Ross' company, or if I was a commissioner sent to enquire into the state of the frontier. To this I said that I did not belong to Ross, nor was I a commissioner, but that I was on my way to San Antonio, at the same time acquainting myself with the frontier and then report to the Government. He then said he was one of the *band of Brothers*, and wished me to understand that they could defend themselves against any force the Government could send to oppose them. To this I said I would acquaint the Government of their independence and save him the trouble of setting the Nation at defiance publicly.

"... I am convinced that there is not less than three or four hundred men engaged in this business directly and indirectly,—there are several persons of standing engaged in it silently, and now about two hundred actively engaged scattered west of the San Antonio River . . ."<sup>5</sup>

John Henry Brown in his *History of Texas*<sup>6</sup> explains the situation more favorably to the Cow-Boys, as does the present author in his *Iron Men*.<sup>7</sup> Brown states—

"A matter of great interest in the west was the abandonment of stock ranchos by their Mexican owners and herdsmen, caused by the inroads of wild Indians in 1834-5-6 and rendered universal by the retreat of the Mexican army in June, 1836. Immense herds of semi-wild cattle were left in that region. Filisola's army on its retreat had taken out of Texas all the cattle found on its line of march. The country to the east of that region was barren of cattle. The soldiers of Texas were suffering for meat. In this emergency, General Rusk adopted the plan of sending alternate detachments of mounted men into the abandoned country to drive in cattle for the use of the army. This plan was successful and no farther scarcity was experienced. After the disbandment of the army, this mode of reprisal was resorted to by many discharged soldiers and large numbers of western citizens whose herds had

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<sup>5</sup> Huson, *Iron Men*, 49-55; based on *Lamar Papers*, III, 106. Henry Stuart Foote a Lamar, *Lamar Papers*, III, 108; Philip Power, *Memoirs*.

<sup>6</sup> Brown, *History of Texas*, II, 138.

<sup>7</sup> Huson, *Iron Men*, 53-54.



disappeared during the invasion. Parties of ten to fifteen began a system of such reprisals on private account and met with no difficulty in gathering herds of from two to six hundred head. To reduce these herds to control (always selecting periods of moonlight nights) they would keep them in a virtual run for twenty-four hours, then graduate into a slower gait till, at the end of two or three days, they could be managed somewhat like domesticated cattle. Goliad, deserted as it was for a time, was the first place where pens existed in which they could be corraled.

"This business flourished through 1838-9, but fell into disrepute and ceased about 1840. Western and central Texas, by the sale of these cattle, became possessed of a supply for breeding purposes which otherwise could not have been secured in many years and without which the frontier country could not have been populated and the people sustained as they were. This was the true origin of the term Cowboys in Texas. They were largely young men of the country who had served in the army, and whose fathers had lost all their personal property in the war."

The term "Cow-Boy" did not originate in Texas. It was adopted as the designation of guerrilla partisans in the American Revolution. However, the term as used in connection with the cattle industry was originated in Texas, and in the Refugio section. Incidentally, the Mexican equivalent of the Texas term is the word *vaquero*.<sup>8</sup>

Lieutenant Neal describes the character of the Cow-Boys, who will shortly figure prominently in our story:

"Carnes . . . Cameron, and others, were congregated between the Little Colorado and the Nueces, at the head of a parcel of lawless frontier men known at that time by the name of Cow-Boys, their business being the stealing of cattle in this quarter and driving them eastward for sale. Many were the strifes between them and the Mexicans; and bloody and horrible were their retaliations on each other, the which will form an episode in the history of Texas."<sup>9</sup>

The Cow-Boys and cattle rustlers were not the sole contributors to the lawless state of the frontier. There were also bands of Mexican robbers and Indian depredators who added to the chaotic condition. Willis Roberts, writing to Lamar,<sup>10</sup> tells of his experiences at Live Oak Point. His brother, Reuben H. Roberts, the county surveyor, had left the Point on a matter of business, at the time Willis wrote, on March 3, 1838.

"He has been absent on this errand seven days & I am becoming uneasy on his account.

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<sup>8</sup> Dobie, *A Vaquero of the Brush Country*.

<sup>9</sup> Huson, *Iron Men*, 49-50, quoting, *Lamar Papers* VI, 99.

<sup>10</sup> *Lamar Papers*, II, 41.



"Since he left a party of robbers of some description have visited the Copano house in which was stored a large quantity of tobacco & have carried off nearly all of it, & wantonly wasted and scattered the balance, ripping open the bales & strowing the tobacco all around the house as if with design to waste & spoil. This happened on some day or night of this week, as Reuben left there on Sunday morning last & yesterday I went over hoping to meet him on his return, but finding the house rifled in the manner above stated & his absence protracted much longer than I can assign any probable cause for. I am fearful he has fallen into the hands of any enemy. More over we found two Spanish whips on one of which was found a Spanish or Mexican brand which was recognized by two Mexicans now here, on a peaceable visit for the purpose of seeing Power's family, being old acquaintances, & for buying some tobacco, who say that it is the brand of a noted Mexican robber & murderer, well known to them & to all the Mexicans, named Antonio Bino [Viña] formerly of Bexar & who joined the Mexican Army on its retreat. Under all of the circumstances of the case I feel considerable solicitude for Reuben's safety.

"Copano house stands alone on the opposite side of the bay 7 or 8 miles NW of Live Oak Point & no person lives in the neighborhood of it. It is the point of landing upon the mainland from the peninsular & where all persons going from this place into the adjacent country must necessarily pass unless they should prefer three days ride around by the isthmus.

"This part of the country is in a defenceless & very exposed condition & there is evidently much hesitations, if not fear, on the part of the old settlers of this colony (many of whom I saw on my journey here) in returning to their former homes. If the Government has the means of placing a small garrison of even 30 to 50 active men at Refugio ready at all times to operate as mounted infantry at short warning, it is believed that such a force would be competent to prevent the inroads of such marauding parties who may otherwise keep up a border warfare to the entire desolation of this interesting part of the country. I hope you will not consider these observations impertinent or intrusive as they are the result of observations made upon the frontier where I have nothing personal at stake & can have no other motive than the safety of the inhabitants.

"5th. Reuben arrived last night 11 o'clock and confirmed my suspicions of what had befallen him. On the day he left Copano House on his way to Goliad & within about six miles of Copano he was met by a party of Mexicans, who, apprised of the defenceless state of that house & of the tobacco there, were coming to rob it of its contents. They took him in custody,

brought him back to the house, made him help to pack their horses, and then took him on with them as far as the river Nueces, where by the connivance of the leader of the party whose good will he was fortunate enough to secure, he was the last in crossing the river & when the packs were all over he was allowed to take the other end of the road. The party consisted of eight, four of whom thought it best, to prevent tales, to dispatch him; but fortunately for him the opposite council prevailed & his life was spared. He was held in 'durance vile' four days under the hourly expectation of being murdered. Thus you see that our apprehensions of danger are not founded upon idle rumours or groundless suspicions."

Roberts again writing to Lamar from Aransas City on June 26, 1838,<sup>11</sup> states—

"Two or three days ago a man was killed, (and it was supposed by some Mexicans) on his road to Goliad and the people are beginning to cry aloud for the removal of the President, so as to let in someone that would give protection to the frontier, and they think it is to be you.

"The inhabitants of the Mission [of Refugio] were making arrangements to go home but this little accident has stopped them, for they see what will be their exposed situation if they go, although they will forget it again in a short time, something new may occur to retard them from time to time, and they will in that way be kept from ever settling their old homes . . ."

In another letter<sup>12</sup> from Aransas City, dated July 12, 1838, Roberts states:

"The only annoyance we have is the dread of an incursion of Mexicans or Comanche Indians. A large party of the latter is reported this morning to be on the Aransas River between Goliad & this place. The bearer of this news is a Mr. Gray who, in company with two Mexicans, set out from Labardee [La Bahia] to this place by the isthmus. On arriving at Aransas River they discovered a large number of pack horses & Indians dressed in red deer skins whom they knew to be Comanches. They changed their course & came directly to Copano & Gray has just come over this morning confirming news of about 40 whites being killed on the San Antonio and its tributary waters."

The Lipans were regarded by the early settlers as great cattle thieves. They roamed from the coast as far inland as Bexar and the Colorado River, killing cattle (some times for food but often from malicious mischief). They raided cultivated fields at will, carrying off such foodstuffs as pleased them, and destroying the remaining

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<sup>11</sup> *Lamar Papers*, II, 174.

<sup>12</sup> *Lamar Papers*, II, 183.

crops by racing their horses or driving their *caballardos* across the fields. The Karankawas, few in number at the beginning of the revolution, were further reduced during the war, having been killed off by both sides. They were regarded more as a nuisance than a menace by the settlers.

One of the last official acts of President Houston during his first term as president, was to appoint Colonel Power a commissioner to negotiate a treaty with the Lipan tribe of Chief Culegas de Castro. Presents were provided for the Indians, and at the invitation of Power the Lipan chief and many of his tribesmen came to Live Oak Point to confer. The meeting was held near Power's home and resulted in a treaty being signed on January 18, 1838.<sup>13</sup> The treaty was approved by the Texian government on March 6, of that year.

The Lipans under Castro were active in plundering and murdering the Mexican traders. They occasionally robbed and killed Texans also. The Comanches, too, were periodic visitors to the western frontier and the coast country. When they departed for their hills, they left a bloody trail behind them.<sup>14</sup>

An account of the most notable frontier tragedies up to the end of the Federalist War will be now given.

A few days after surveyor Reuben H. Roberts had been kidnapped and released by Antonio Viña's band (March, 1838), Lieutenant Colonel Antonio de los Santos with a detachment of about 45 Mexican troops came to Live Oak Point and arrested Colonel Power. "Power thought they were traders; and knew no better until he was made a prisoner. He was marched off immediately, but not before he told Walter Lambert to close the door and permit no Mexican to enter it—The young man closed the door; and had done it none to soon, when another party of robbers came up and demanded entrance. Admittance was refused. The young man wanted to fire upon the invaders, but Mrs. Power restrained him, fearing that if any of the party should be killed her husband would be murdered. The party remained there three days; and agreed to go off if the young man would let them take 22 bales of tobacco. This was acceded to and executed, and the robbers departed, driving off, however, many cattle and several oxen. De los Santos had on previous occasions robbed the store of tobacco and domestics."<sup>15</sup>

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<sup>13</sup> *Lamar Papers*, II, 43-44; Philip Power, *Memoirs*.

<sup>14</sup> Philip Power, *Memoirs*.

<sup>15</sup> *Lamar Papers*, IV, pt. 1, 241-242; Philip Power, *Memoirs*.



Colonel Power was taken to Matamoros, where he was thrown in the *calabosa*. There he was kept for several days. Influential friends intervened in his behalf, and he was released from confinement, and given the liberty of the city, on his parole that he would not leave it without permission. He remained in that status for about five months, when General Woll released him, upon condition that he would deliver himself up to the Mexican government whenever the latter should demand it. Power immediately returned to Live Oak Point.<sup>16</sup>

During the latter part of June, 1838, a citizen was killed by Mexican bandits on the road between Refugio and Goliad.

In July, 1838, a large band of Comanches was reported as being on the Aransas River between Aransas City and Goliad. The Indians were seen a few days later by the ranchman Gray, who arrived at Aransas City from Goliad on the 12th. He brought news of the massacre of about 40 citizens in the San Antonio River section.<sup>17</sup>

Silvestre de Leon, one of the sons of Don Martin, was a victim of the lawless element, during the same year, 1838. In June, 1836, Silvestre and his family had been sent to Louisiana by the Texian military. Mrs. De Leon died there. Silvestre then took his children to Mexico and left them with their grandmother in Tamaulipas, and returned to Texas. He sold some of his property to raise money to bring his family back to Texas and started to Mexico for that purpose. Enroute he was killed between the Nueces and the Rio Grande. Needless to say, he was robbed of his money.<sup>18</sup>

An Indian fight took place in 1838 near the San Antonio River in which Martin Lawler, — — Howard and several other Refugio citizens were killed. Colonel Power had received word that nearly 1,000 Indians were on their way from Mexico, headed for Refugio, for the purpose of pillage and plunder. At the Rio Grande the Indians divided, one party coming to Refugio; from thence they went to the San Antonio River section and raided the ranches there. A posse of citizens was organized by Power, and the Indians were met and defeated in a bloody battle. Lawler and Howard were among those killed. Peter Sideck was probably one of the several citizens killed. Nicholas Fagan, John Fagan, and Thomas O'Connor had narrow escapes from death.<sup>19</sup>

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<sup>16</sup> Philip Power, *Memoirs*; *Lamar Papers*, IV, pt. 1, 242.

<sup>17</sup> *Lamar Papers*, II, 174-175, 182-184.

<sup>18</sup> *Hardy v De Leon*, 5 Tex. 211, 7 Tex. 465; Philip Power, *Memoirs*.

<sup>19</sup> See Probate Proceedings. *Estate of Martin Lawler*, County Court. R. C. Allen. *Reminiscences of Mrs. Annie Teal Fagan*, 34 Q. 323-324 (she does not describe this as a battle).



The year 1839 was about as sanguinary as the previous year. There were many bloody battles fought between the Cow-Boys and the Mexicans on either side of the Nueces, and atrocities by all warring elements multiplied. After the revolution Captain Trinidad Aldrete established a *rancho* in the *Brasadas* of the Nueces, and stood up for law and justice. He and his *vaqueros* were constantly in the saddle fighting off Indians and desperadoes alike. *Capitan* Trinidad emerged with the reputation of being one of the most formidable frontier fighters in Texas. The depredations of the times compelled Jose Miguel Aldrete and his family to temporarily abandon his Aransas River ranch and go to the Carlos ranch for safety. He was living there in 1840.<sup>20</sup> His great herds were stolen, as has been seen.

A party of Mexican traders came to Aransas City in May, 1839, and reported that at the *Brasadas* of the Nueces they had seen the bodies of eight Mexican men and one Mexican woman, who had been recently murdered by the Lipans and robbed of their horses and valuables.

The lawless condition of the southwestern frontier was often noticed and sought to be remedied by the Texian Congress. In 1837 provision was made that attachments might issue at the behest of despoiled citizens in cases where their cattle and other property had been stolen and carried off by Mexican settlers who had gone to the other side of the Rio Grande. Such law was of questionable value.<sup>21</sup> By Act of January 19, 1839, it was made a felony to drive horses, cattle, or domestic animals of any kind, not the legal property of the driver, from that section of the republic west of the Guadalupe to any other section of the same.<sup>22</sup> It was made a felony, punishable by death, to steal a horse, mule, or similar animal, or to aid in the theft, or secrete the property.<sup>23</sup>

From 1837 to the end of the republic numerous laws were enacted to provide military security for the western and southwestern frontier. The Act of December 21, 1838, authorized the formation of a frontier regiment and the building of a military road from the Red River to the Nueces to intersect the old road from Bexar to the Presidio of the Rio Grande. Land bounties were given to soldiers who enlisted therein.<sup>24</sup>

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<sup>20</sup> Philip Power, *Memoirs*. For explanation of *Brasadas*, see Dobie, *Vaquero*, 193-201, 216 ff.

<sup>21</sup> G. L. I. 1444-1445.

<sup>22</sup> G. L. II, 53.

<sup>23</sup> G. L. II, 166-167.

<sup>24</sup> G. L. II, 15-20; Amendment December 10, 1841, II, 688-689; II, 1484.

The Act of January 26, 1839, provided for raising of corps of rangers to consist of two companies of 56 men each, for the protection of the counties of Refugio, San Patricio, and Goliad. The enlistees were to serve for a period of six months. On December 26, 1840, a law was approved authorizing the raising of three companies of 15 men each to act as spies on the western and North-western frontier, the period of service to be four months.<sup>25</sup> The Act of February 4, 1841, authorized a large number of counties, including Refugio, Goliad, San Patricio, and Victoria, to organize one volunteer company in each county. The companies were to muster not less than 20 nor more than 56 men.<sup>26</sup>

The general militia law was revised by Act of January 16, 1843. A major general was provided for and entrusted with the duty of organizing the militia. He was authorized upon completion of organization to order out six companies of 56 men for frontier service. Two companies were to be stationed at the White House (*La Casa Blanca*) on the west side of the Nueces.<sup>27</sup> Martial law was declared and ordered enforced from the Rio Frio and Nueces Rivers to the Rio Grande, for and during the time hostilities may exist between the Republic of Texas and Mexico. An interesting provision of the law was, "That all spoil, not the property of citizens of the Republic, captured from the enemy, shall be divided by the field officers, equally among the captors, without regard of rank."<sup>28</sup>

By Act of January 23, 1844, Captain John C. Hays was authorized to raise one company of mounted gunmen, consisting of Hays as captain, one lieutenant and 40 privates, to serve on the western and southwestern frontier.<sup>29</sup>

To protect the lives and property of citizens of Refugio County, Colonel Power and Ewen Cameron organized in the latter part of 1836 or early part of 1837, a company of mounted riflemen known as Power and Cameron's Spy Company. Most of the old citizens served at one time or another in this little border army. Captain Cameron eventually became the real and active leader of this force, which in time became stationed on the Nueces. As this company was not officially authorized by the republic, its muster rolls are not now available. In the fall of 1838 Captain Cameron went to Mexico to join the Federalist army, and many, if not most of his Spy company went with him.

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<sup>25</sup> G. L. II, 93.

<sup>26</sup> G. L. II, 475-476.

<sup>27</sup> G. L. II, 646-648. The ruins of this old fort are across the river from Lake Corpus Christi State Park, near Mathis, Texas.

<sup>28</sup> G. L. II, 846-848.

<sup>29</sup> G. L. II, 943-944; 1124; 1484.

Cameron appears to have been succeeded in command of the strictly Refugio minute men by Captain John Scott, father of the noted Captain Henry Scott. More of Captain John's exploits will be related later. Captain Neill Carnes had a Cowboy company of 40 or 45 men, which was composed of new comers. The "new comer" element of Cameron's old company seems to have been the nucleus of Carnes' company of 1838-1839.<sup>30</sup> Contemporaneous with Carnes company were two other so-called ranger or Cowboy companies which made their general headquarters in Refugio County, but were composed in the main of non-citizens of the county. These companies were commanded by Captains Reuben Ross and John T. Price, respectively.

In the San Antonio River district the settlers had a local ranger company, under the general command of Captain John J. Tumlinson. They could be counted upon to spring to action as one man when emergency demanded. Included in this group were Captain Carlos de la Garza, Jose Miguel Aldrete, Rafael Aldrete, John White Bower, Thomas O'Connor, Nicholas Fagan, John Fagan, Peter Fagan, Peter Teal, Elijah Stapp, Darwin M. Stapp, Captain John F. Kemper, Peter Sideck, John B. Sideck, Anthony Sideck, Edward Perry, Morgan O'Brien, John O'Brien, Andrew O'Brien, Michael Whelan, James Fox, Peter Hynes, John Hynes, William (Johnstone) Gilliland, Dr. R. W. Wellington, Pelitiah Bickford, Captain Hernandez.



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\* Philip Power, *Memoirs*.

## CHAPTER XXIII

### THE FEDERALIST WARS



THE FEDERALIST WAR in the Northern Mexican States, which has been alluded to in various parts of this history, broke out in the summer of 1838. At its commencement all of the Northern Mexican States from ocean to ocean were involved. General Jose Urrea was one of the outstanding leaders. As the war progressed, its locale diminished to the states of Tamaulipas and Coahuila.<sup>1</sup>

The background of the Federalist movement is, of course, most interesting to readers of Texas history; but it would be inappropriate to elaborate upon it in a purely sectional history. Suffice it to say that these Mexican states, populated as they were by a high class of citizenship, were sincerely Republican in their political principles, and, in 1835 when Santa Anna subverted the Federalist Constitution of 1824, had risen to arms in its defense even before the Texians did. In most of these Mexican states the uprisings had been crushed by the Centralist government of Santa Anna. Such, however, had not been the case with Tamaulipas, the outstanding Federalist leader of which was General Antonio Canales.

In these northern Mexican states the leaders were for the most part Mexicans first and Federalists afterwards. Like all loyal Mexicans, irrespective of party, they did not desire to see Texas lost to Mexico. While sympathizing with the original avowed motives of the Texians, they were suspicious of their *bona fides*. Staunch Federalists like Urrea, joined with Santa Anna to preserve Texas for Mexico, while others, like Canales, equivocated, and withheld aid to the Texians and hindrance to Santa Anna. The Northern Federalists simply stopped their revolution while the *Guerra de Tejas* was in progress. Santa Anna's captivity having eliminated him, for the time being, as a political menace, the Federalists without definitely

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<sup>1</sup>Huson, *Iron Men*, is probably the most comprehensive account of the Federalist War from a Texian standpoint. Copies of this work are deposited in the Library of Congress, Texas State Library, the Library of College of Arts and Industries, Kingsville, and one or two other repositories. Justin H. Smith, *La Republica de Rio Grande*, in *The American Historical Review*, July, 1920. Dr. W. C. Binkley, *The Expansionist Movement in Texas*. Dr. Lawrence Francis Hill, *Jose de Escandon and the Founding of Nuevo Santander*. Florence Johnson Scott, *Historical Heritage of the Lower Rio Grande*. Frederick C. Chabot, *With the Makers of San Antonio*. Lamar Papers, numerous notes and accounts on the Federalist Wars. Bancroft, *North Mexican States*, II, 326-332. Yoakum, *History of Texas*, II, 274-280, 287-298. Brown, *History of Texas*, II, 172-174. Vito Alessio Robles, *Saltillo*, 231-234; Huson, *District Judge of Refugio County*, 25-33. Thrall, *Pictorial History of Texas*, 307-310; De la Garza, *Dos Hermanos Heroes*, 200.



calling off their revolution, merely "neglected it," as Lamar expressed it.

In August, 1838, an event occurred which aroused apprehension among the Federalists and also caused them to remember that they had an unfinished revolution on hand. This event was the decree of the National Congress ordering the ashes of the deposed emperor Iturbide to be exhumed and reinterred with national honors in the cathedral in Mexico City. The Federalists suspected this to be a preliminary move to restoration of the monarchy, or at least the forerunner of greater centralization of power in the chief executive. Thus under Urrea, Anaya, Lemos, Carbajal, Zapata, and Canales, the Northern Mexican states again sprang to arms.

The sympathy of the Texians openly, and of the Texian government unofficially, was naturally with the Federalists. Attention has been called in earlier chapters to the settlement of the coastal area of Texas to the San Antonio River by Tamaulipecos and the blood ties of leading Coahuilan and Tamaulipecan families with prominent Spanish and Mexican families living in the areas of Refugio, San Patricio, Goliad, Bexar, and Laredo. There had been numerous intermarriages between these old grandee families and the Nordic settlers and soldiers. Vide Colonel Power, Philip Dimmitt, James Cummings, William G. Cooke, and others. Many of the Texians had intimate friendships with citizens of Mexico who were connected with the Federalist cause.<sup>2</sup>

Captain Ewen Cameron, who was a cousin of Dr. John Cameron, of Monclova, early learned of the projected Federalist War, and he was the first Texian of note to be connected therewith. At the time he received this advice he was captain of the Refugio ranger company. He immediately responded to the call and went to Mexico, taking with him about twenty-five Texians, most of whom were members of his ranger company. It is, of course, well nigh impossible to reconstruct a roll of those who accompanied Cameron, but the following named Refugio citizens are either known or strongly believed to have served in the Federalist Wars, and some of them might have been with Cameron in the 1838 campaign. Again Cameron might have met up with some of them in Mexico and in-

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<sup>2</sup> In Huson, *Iron Men*, 42-44 examples are given of these family ramifications. One instance given was that of the family of Martin de Leon, whose father-in-law was General Felipe de la Garza, and one of whose daughters was the wife of General Jose M. J. Carbajal, one of the principal Federalist leaders. General Carbajal's son, Antonio, married Cecelia Navarro, and another son, Jose Maria, Jr., married Manuela Canales, daughter of General Antonio Canales, Commander in chief of the Federalist Army. Captain Placido Benavides was married to one of Martin de Leon's daughters. Captain Philip Dimmitt was married to a daughter of Carlos Lasso, a kinsman of De Leon. Colonel Power's wife was also a descendant of the de la Garza family.

duced them to settle in Refugio County when Canales army came to the Nueces in 1839. These men were:

Alfred Allee, Bartlett Annibal, John Reagan, Baker, Bennett, Peletiah Bickford, George H. Bringham, Bradford Brush, Gilbert Russell Brush, Joseph Callaghan, C. Cameron, Ewen Cameron, Hugh Cameron, Israel Canfield, Jr., Joel T. Case, Neill Carnes, Wm. J. Carnes, John L. Cash, Henry Clark, John Clark, William Clark, Matthew Cody, Michael Cronican, William Davis, Duncan Drummond, John Ely, Jeremiah Findlay, Edward Fitzgerald, James Fox, Michael Fox, Lewis H. Gibbs, Philip Howard, George R. Hull, Wm. H. Hunter, Daniel Kean, Henry L. Kinney, John Kelly, Joshua W. Littig, George Lord, Victor Loupe, McAully, John W. B. McFarlane, John McMullen (San Patricio), John McSherry, George W. Miles, James H. Morris, Benjamin F. Neal, Thomas Newcomb, John C. Pearse, Richard Pearse, Lieuen M. Rogers, Richard Roman, Reuben Ross, Jacob Rupley, Wm. R. Rupley, Henry Ryals, Willard Richardson, James Reynolds, James St. John, William St. John, John W. Smith, Alfred S. Thurmond, Henry Whelan, Michael Whalen, Alvin E. White, John Williams.

For the purposes of our local history, the Federalist War may be divided into three phases. The *first* phase was the campaign of 1838-1839, the locale of which was wholly in Mexico. The Federalists were successful until their leaders fell out among themselves and separated their forces, when the Centralists defeated them piece-meal and compelled Canales with the remnant of his army to seek refuge at San Patricio. Cameron and his Texians participated in all major battles. They especially distinguished themselves at the Battle of Saltillo, in April, 1839. Cameron and his Texians returned to the Nueces with Canales' refugee army. The *second* phase commences with Canales' rendezvous at the Nueces, includes the recruiting of 600 Texian auxiliaries, the establishment of the Republic of the Rio Grande, the defeat of the Federalists, and the capture and execution of Colonel Zapata, and concludes with Canales' second retreat to San Patricio. The *third* and final phase commences with Canales' rendezvous at the Nueces, includes the recruiting of another Texian auxiliary force, and concludes with the extrication of Colonel Jordan and his Texians after their base betrayal by the Federalists whom they had gone to aid. The Mexican partisans compromised their differences, and the Texians were delivered to the vengeance of the Centralists, as we shall see in the appropriate place.

The Federalists, having begun their war, required arms, mu-

nitions, and military supplies of all kinds. The Mexican ports were blockaded by the French navy; besides Matamoros remained in the hands of the Centralists, and the principal source of these goods was Texas. President Lamar was endeavoring to negotiate a treaty with the Centralist government; hence the Texian government would not officially permit traffic with the revolutionists. Later this policy was reversed. Aransas City and the Aransas Bay landing places being the Texian ports closest to the Federalists (until Aubrey & Kinney established themselves at Corpus Christi), it was natural that they should become the supply depots for the insurgents.

A number of Refugio County business men took advantage of this opportunity to turn a profit. Among the locals were Colonel Henry L. Kinney, William P. Aubrey, Colonel James Power, Martin Power, Philip Dimmitt, Edward Linn, James H. Morris, Thomas Thatcher, Edwin Belden, Richard Pearse, John C. Pearse, Stewart Newell and Samuel W. Wybrants, at Live Oak Point, James Upton and James A. Gourlay, Jr. of Lamar. Edward Linn was brother and partner of John J. Linn, and had handled trade with Mexicans for many years. Belden, the Pearses, and Gourlay had been merchants in Mexico. Philip Dimmitt was an old trader.

Besides the local residents, certain firms and individuals of elsewhere were large shippers to Aransas City and Copano Bay landing places between 1838 and 1841. Among these were Black & Schoolfield, Francis Dietrich (Refugio colonist) of Austin, James P. McKinney & Co. of Velasco-Quintana, J. W. Pitkin, and, it would seem, Daniel Donahoe, of Liberty County. The firm of Black & Schoolfield, composed of J. P. Black and Charles Schoolfield, was organized at Bastrop, August 5, 1839. Its place of business was to be at Austin. Captain Philip Black was a sea captain and was the owner of the 77-ton schooner *Olympus*, which he had purchased from William Baird, the previous December. He continued as captain of the *Olympus*. The firm also had another schooner, the *Louisiana*, of which D. P. Barhydt was captain. Captain Black evidently died at Live Oak Point in 1839 or 1840, as his personal papers, including the ship's log of the *Louisiana*, are now in the Clerk's Office at Refugio (although his estate was not administered in this county). The records show the nature of the cargoes carried, and show that the *Louisiana* landed cargoes at Live Oak Point on September 14, 1838, December 27, 1838, and January 2, 1839, and also discharged cargoes at Brazos Santiago at other times. The records also indicate that Captain John C. Pearse and Richard



Pearse had some connection with these vessels. Among the Black papers are numerous instruments containing the name of Daniel Donahoe.<sup>3</sup> He is said to have been associated with Jean Lafitte and to have been a partner of James Bowie in the slave trade.<sup>4</sup>

Richard Pearse will be interesting to Texans when it is revealed that he was the uncle of Lydia Ann Dana Hull, who became the wife of Captain James B. Wells of St. Joseph's Island, and the mother of Judge James B. Wells and Mrs. Fannie V. W. Heard. Pearse appears to have been a wealthy exporter of Matamoros and New York. He died either at Copano or Live Oak Point in 1841. His will was witnessed by John Ricord, then district attorney and later the "Power Behind the Throne" in Hawaii. The codicil to the will is acknowledged at Copano before Willard Richardson, Notary Public for Refugio County.<sup>5</sup> Richard Pearse also appears to have been uncle of George R. Hull, who was a partner of Captain James W. Byrne in the Lamar townsite venture.

In September, 1839, Colonel Kinney, and his partner moved to Corpus Christi and established themselves by a *coup de main*. They soon gained a monopoly of the contraband trade with the *Insurrectos*; but Aransas City, Black Point, El Copano and Lamar, continued to do a lively business. The advent of Kinney and Aubrey at Corpus Christi was the beginning of the City of Corpus Christi.<sup>6</sup>

When the Mexican Federalists after a spirited campaign had victory nearly within their grasp, dissensions arose among their leaders. Each general took his followers off in his own direction, and the capable Centralist generals lost no time in meeting and defeating separately each segment of the once triumphant army. The only Federalist army remaining intact was the one commanded by General Antonio Canales. Its preservation had been largely due to the genius of its cavalry leader, Colonel Antonio Zapata, who was a Chevalier Bayard and Stonewall Jackson rolled into one. Zapata was a merchant and *ranchero* of Guerrero, who had his ranch on the Texas side of the Rio Grande, near the town which now bears his name. Canales army, due to his incompetency, had taken a dreadful beating; and the Federalist leaders, who were yet in the hustings, decided to move in to the Nueces, where it could be rested and recruited. The army arrived at Lipantitlan and took up quarters in

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<sup>3</sup> Philip Black Papers, Clerk's Office, R. C. Philip Power, *Memoirs*.

<sup>4</sup> See Letter from Houston to Smith, June 15, 1838, relating to necessity of sending a collector to Copano without delay to prevent evasion of the revenue laws. Williams, *Writings of Sam Houston*, II, 254.

<sup>5</sup> Probate Minutes, R. C. A., 47, 57.

<sup>6</sup> Sutherland, *The Story of Corpus Christi*; McCampbell, *The Saga of a Frontier Sea Port*; Caller-Times, *Corpus Christi a Guide*. Charles G. Norton, *Life of Henry L. Kinney*. Milford P. Norton, *Papers*. Philip Power, *Memoirs*; Huson, *Iron Men*.



the summer of 1839. With the army were many familiar faces of Texian revolutionary days.

The Federalist army was preceded by a delegation headed by General Anaya, with which was Colonel Jose Maria Gonzales, a good soldier and a loyal friend, as events later proved. Gonzales was the same who commanded the faithful cavalry escort which brought Governor Viesca to Refugio, in November, 1835. The delegation proceeded via Refugio, Goliad, and Victoria to the seat of government at Houston. General Canales went to Bexar, where he was royally received, and succeeded in enlisting Colonel Samuel W. Jordan in his cause.

Canales, after his arrival at Lipantitlan, issued a proclamation inviting Texians to join his standard. It was proposed that a Texian Auxiliary Corps, officered by Texians, be formed; and handsome bounties were offered for enlistments. An "alliance" was made between the Federalists and the Cowboys of the Nueces, then led by Colonel Neill Carnes. Cameron and his original company of Texians, who had distinguished themselves at the Battle of Saltillo (April, 1839), were no doubt the effective negotiators of this famous "treaty." However, one account of the negotiations is too picturesque to be passed up.

The account of Lieutenant Neal follows:

"In the fall of 1839—whilst the above party [Cowboys] was where I have mentioned [near Agua Dulce], they discovered a party of Mexicans advancing. They formed for battle, when the leader of the Mexican force advanced under a white flag and stated that his object was friendly and not hostile. This was [General Jose M. J.] Carbajal, accompanied by Canales, the latter, however, being the chief. The Mexicans were the Revolutionists who were then contending for Federalism, their designs being to establish an independent government from the Mountains to the Rio Grande. They made known their views, and solicited the aid of the Cowboys, who without hesitation united with them in the enterprise and enlisted under the Federal banner. . . . Carnes commanded the Cowboys, 30 or 40 strong—was the chief and leader of them in both stealing cattle as well as in the Federal War."<sup>7</sup>

At that time, and during its entire existence for that matter, Victoria was the principal military post and depot of the Republic of Texas, much the same as Fort Sam Houston has been to the United States since annexation. There could be found at all times

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<sup>7</sup> Huson, *Iron Men*, quoting *Lamar Papers*.

units of the Texian regular army, companies of rangers, and the discharged veteran officers and soldiers, who would be naturally found around military posts. Negotiations were opened by Canales with not only the discharged veterans but with officers in active service. As these matters had to be handled more or less clandestinely, Refugio, lying halfway between Lipantitlan and Victoria, was the favorite meeting place of the conferees.

Daniel O'Driscoll, who had been living at Victoria since his retirement from the army, now moved to Refugio and established a tavern, which he conducted for many years thereafter. The tavern became the meeting place of the negotiators, and Ewen and Hugh Cameron and Colonel Carnes made the place their home during the remainder of their brief but glamorous lives.

One of the prominent men who assisted the Federalists was Colonel Samuel A. Plummer, probably the most intimate friend President Lamar ever had. Plummer arranged a meeting between Canales and Captain Reuben Ross at Victoria, which resulted in Ross and his entire ranger company's joining the Federalists. Ross always claimed that his course had been suggested *sub-rosa* by authoritative quarters. Ross became the colonel of the Texian Auxiliary Corps of 1839. Captain Richard Roman, of San Jacinto fame, who was then residing in Refugio County and was its representative in congress, accepted a commission as lieutenant-colonel and second in command to Ross. Captain John T. Price with his entire ranger company enlisted. Captain Cameron recruited a new company, in which were many of his old followers, and agreed to go back to Mexico. Many Refugio citizens enlisted in the ranks.

The Federalist army left Lipantitlan on September 20, 1839. It numbered from 400 to 900 Mexicans, of which 150 were Cane Indians from the vicinity of Reynosa.<sup>8</sup> The Texian Auxiliary Corps numbered from 226 to 270 officers and men. It marched from the Nueces to the Rio Grande under the Texian flag, having been advised that they might fight under their own flag. When the Rio Grande had been reached, the permission was rescinded.

The campaign got off to a successful start. Laredo and all of the Rio Grande towns except Matamoros were captured in succession. Colonel Ross and the Texians, with Colonel Zapata's cavalry, bore the brunt of the campaign. Canales was a lawyer, but no military man. He was able in council but indecisive and timorous in battle. He was a believer in signs and auguries. Much to the disgust

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<sup>8</sup> See chapter XVI — Ante.

of Ross, Roman, and the bulk of the Texians, Canales raised the siege of Matamoros and refused to permit an assault to be made, although the city was ripe for capture. All of the ranking Texian officers and most of their men left Canales and returned to Texas. However, Jordan and Cameron stuck it out to the end. With Cameron were most of the Refugio citizens who remained.

Canales' army, however, thanks to Colonel Zapata, again took the field and had the City of Monterey in their grasp, then at a crucial stage of the battle, a large part of their Mexican army deserted to the enemy. (December 25, 1839).

The Federalist army then retreated for the Rio Grande. Zapata's cavalry and the Texians formed the rear guard, and, after a hard fighting brought the army safely through to Moreno, where the Centralists' pursuit ceased. That Canales' army was not entirely destroyed was due almost solely to the heroism of Colonel Zapata. Jordan thereafter left the Federalists and returned to Texas.

On January 28, 1840, the revolutionary *Junta* met at Guerrero and organized the Republic of the Rio Grande, with Laredo as its capital. Jesus Cardenas was elected president, and Jose M. J. Carbajal and Francisco Vidaurri y Villaseñor were other officers. Manuel Mina was quartermaster general, and Canales was confirmed as commander-in-chief of the armies. A presidential guard of 60 Texians, under Captain Jack Palmer, was organized to protect the government, which moved to Laredo.

The Texians became attached to Colonel Zapata, who was not only a great fighter but a noble gentleman. Many of them, including Victor Loupe, Budd Edmondson, . . . . Bennett, . . . . McAulley, served under his immediate command, and were with this illustrious chief when he and his party were captured by treachery at Moreno, (or Santa Rita Morelos) near San Fernando, on March 14, 1840. These brave Refugians stood with Zapata before a firing squad at Morelos (Monclova) several days later and were shot.<sup>9</sup> Jesus Barrera, Martin K. Snell, and Emmett were saved from the same fate.

Canales made a timorous attempt to save his great subordinate, but was defeated by Arista between San Fernando and Morelos. The government at Laredo, upon learning of this disaster, fled toward the Nueces. Canales' shattered army picked up the officials at the water hole of *Los Sauces*, and the refugee government and army reached their old rendezvous at Lipantitlan in the latter part of March, 1840.

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<sup>9</sup> Bustamanti, *El Gabinete Mexicano*, II, 42.



We now come to the third and final phase of the Federalist War. The Mexican government had refused to receive Lamar's emissary, and the Texian executive was now ready to extend official help to the beleaguered insurrectos. The sympathies of the Texian Congress had been indicated by the act authorizing a trade with the Mexicans of the Rio Grande. The sympathies of the citizens of Western Texas were enthusiastic for the *Federalistas*, and demands were made by the people of this section that Texas make a military alliance with the Republic of the Rio Grande. The citizens of Victoria gave a banquet in honor of President Cardenas and Generals Canales and Carbajal, on April 24, 1840, following a public meeting held the previous day.

Principal actors in these proceedings were John Hemphill, the district judge, Andrew Neill, the district attorney, John D. Morris, Governor James W. Robinson, French Strother Gray, E. L. Holmes and Colonel Samuel A. Plummer, members of the bar, and Major James Kerr and Colonel John J. Linn. Resolutions were adopted at the public meeting demanding aid to the Federalists. Colonel Plummer wrote a personal letter to Friend Mirabeau, urging such a course.<sup>10</sup> Lamar was not willing to commit Texas to such an alliance, but did give the Federalists the freedom of the Republic to recruit men and supplies. At San Antonio and Austin an entire regiment was recruited to join the Federalists. It was commanded by Colonel Juan N. Seguin.

The president and officials, civil and military, of the Republic of the Rio Grande became well known in Refugio. They not only passed through Refugio on their way to and from Victoria, but often visited the place, holding conferences at Daniel O'Driscoll's tavern with such personages as Colonel Power, Colonel Kinney, Captain Dimmitt, Colonel Roman, the Aldretes, and the leaders of the Cowboys. Many soldiers came over from Victoria to listen to alluring offers. Colonel Power and Captain Dimmitt gave Cardenas and his compadres letters of introduction to Texian government officials and prominent personages whose assistance might be valuable.

Colonels Ross and Roman, although sympathetic, declined all offers to return to the Federalist service. However, Captains Ewen Cameron, John T. Price, and Thomas Newcomb agreed to give their *amigos* another try. Colonel Jordan, who now made his headquarters at Kinney's *rancho*, agreed to accept a colonelcy. Joe Wells, who was an erstwhile Cowboy, and well known in Refugio, accepted a

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<sup>10</sup> Huson, *District Judges of Refugio County*, 25-29; Huson, *Iron Men*, *Lamar Papers*.



majority. Colonel William S. Fisher resigned his commission in the Texian regular army to accept the command of the Texian Auxiliary Corps of 1840. As stated in the author's *Iron Men*:

"The army of the Republic of the Rio Grande after its reorganization in the summer of 1840 mustered between 700 and 800 officers and men, and while smaller, was in many respects superior to the Federalist army which had left the Nueces in 1839. In one respect it lacked what the first expedition had had—a great cavalry leader."

The Federalist army left the Nueces for its final campaign about the middle of July, 1840. Before it had left, it may be said that secret negotiations were under way between Canales and the Mexican government looking to an accommodation of their differences, which in the long last, appeared to involve only questions of personal preferment.<sup>11</sup> By the time Canales' main army had reached the Rio Grande, most of the preliminaries had been arranged; and confirmation by higher authority was only necessary to bring the Federalist War to a conclusion. This confirmation, which was confidently expected, was soon forth coming.

The Texian auxiliaries had been kept in ignorance of the state of affairs because it was feared that if the truth was known, they could not be controlled and were likely to take the war over on their own account. Further, there was the embarrassing matter of making good the obligations to the Texians. The Mexican government would not pay the bounties, and the Federalists could not pay if they folded up and retired to peaceful life. The troublesome problem was finally simply disposed of by an article of the treaty of October 14, 1840, which provided that "all Mexicans, under the command of Don Juan Molano, will separate from, and abandon to their fate, the adventurous strangers at present among them."<sup>12</sup> This article applied to Colonel Jordan and the 110 Texans under him, who were operating with Colonels Molano and Lopez. As to Colonel Fisher and his force of Texians who were with Canales, it was stipulated that their lives were to be spared.<sup>13</sup> The distinction seems to have been made because of the fact that Fisher had been ill and his fighting spirit wilted and no trouble was feared from him.

Shortly after the army had left the Nueces, Jordan, with 110 Texians, and Colonel Lopez, with about 150 Mexicans, were detached from the main body and sent to recapture Laredo. This was done

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<sup>11</sup> Bustamante, *El Gabinete Mexicano*, II, 42-44.

<sup>12</sup> Huson, *Iron Men*; Yoakum, *History of Texas*, II, 297.

<sup>13</sup> Bancroft, *North Mexican States*, II, 332.

This chapter is a condensed summary of Huson's, *Iron Men*, with further facts becoming available subsequent to the completion of that work.

with expedition, and Jordan's force moved down the Rio Grande, reducing one town after another to submission. After Camargo had fallen to him, Colonel Molano arrived with an order from Canales, for the detachment to proceed into the interior, to San Luis Potosi. In ignorance of the impending treachery, Jordan obeyed the order. The companies in Jordan's regiment were commanded by Captains Ewen Cameron, Thomas Allen, Thomas Newcomb, John T. Price, and Thomas Pratt. With Lopez' Mexicans was one company of Texas Mexicans commanded by Captain Antonio Perez of San Antonio. It was a part of Seguin's regiment. Another company was commanded by Colonel Jose M. Benavides.

The Jordan party captured China, Tula, Morallo, and Linares without bloodshed. Out of Linares a Centralist army train (pack mules) was ambushed, and its guardians surrendered without a fight. Nay, they even went over to the Federalists and joined Lopez' contingent. Molano then insisted that the army move on to capture the City of Victoria, the capital of Tamaulipas. Captain Perez, of the San Antonio company, warned Jordan against Molano and left with his own company and got back to Texas safely.

Jordan had implicit confidence in his Mexican comrades-in-arms. The little army made a night march and took Victoria by surprise. After firing a few shots, the Federalists took possession of the city, and remained there for three weeks. On September 5, the army moved out of Victoria at Molano's insistence. Upon one pretext or another it was marched deeper into the mountain wilds. Molano represented that they were headed for Saltillo, but it was discovered that they were really on the road to San Luis Potosi. Finally Molano agreed to move on Saltillo, and the march was taken up.

As the column neared the Hacienda del Potosi, it was overtaken by Dr. Shields Booker (of San Antonio) bearing a message from Canales to Molano. In view of subsequent events, it is fair to assume that contained in the message was the treaty of October 14, which obligated Molano to abandon the adventurous strangers who were with him to their fate. Dr. Booker, of course, did not know the contents of the message. On October 21, the column halted at the *Hacienda de Potosi*, and now a rider arrived with a dispatch for Colonel Jordan from a reliable friend at Victoria. The letter advised that the Texians were to be betrayed in a battle that had been planned for the purpose. Jordan, being a man of honor, could not conceive of such treachery and frankly showed the letter to Lopez and Molano, who indignantly protested its falsity. Jordan thereupon

ignored the warning, but his captains were not so trustful and became watchful.

Finally on October 23 a Centralist army came out of Saltillo to meet the Federalists. The battle ground was part of the later battlefield of Buena Vista or Angostura, as the Mexicans call it. The specific site of Jordan's battlefield is a place between Landin and Buena Vista, known as *Ojo del Agua*, at which was an old stone *hacienda*. When the battle lines had been formed, Lopez and Molano went over with their troops to the enemy, and made common cause in destroying their former allies. The Texians, being thus dealt with, retreated to the *hacienda*, where they put up the greatest battle ever fought by a Texian army. They routed and charged an army many times their numerical superior, and succeeded in cutting their way through hostile country back to Laredo.

Colonel Benavides was one Mexican who refused to join in the betrayal of the Texians. Believing the Texians must be overwhelmed and not desiring to have his own little company decimated, he left the field of battle; but learning that the Texians had miraculously defeated the enemy, he stationed lookouts at intervals from Saltillo to the Rio Grande, with instructions to watch for the Texians and guide them safely to Laredo. These outposts no doubt ultimately saved the Texians or a majority of them. Captain Cameron and Lieutenant Lara (a Mexican officer who had remained loyal) guided the Texians over the mountains until Benavides' outposts were contacted. Jordan's march to the Rio Grande reads like a story from Homer.

This ended the Federalist War, but for several years afterward Refugio County and her citizens experienced its aftermath. Colonel Power, Governor James W. Robinson, Captain Dimmitt, Captain Cameron, Colonel Carnes, and citizens such as Bartlett Annibal, James and Michael Fox, Henry Ryals, and William St. John were men marked for vengeance by the Mexican government.

## CHAPTER XXIV

### BLOODSHED AND CHAOS



WHILE Captain Cameron and his Texians were in Mexico, his ranger company was reorganized. The citizen element, with new additions, was formed into a unit under the command of Captain John Scott, an old colonist. The Cowboy element of Cameron's old command was absorbed into the ranger company of Colonel Carnes, which eventually went to Mexico. Thus matters stood until Cameron returned from Mexico in 1841.

In 1840 the Lipans, encouraged by the Mexican military authorities at Matamoros, became hostile towards the whites and committed many depredations in the Refugio area. Captain Scott mustered his minutemen and went forth to chastise the savages. He took with him on this expedition his son Henry, then a lad about ten years of age. The Refugians picked up the trail of the Indians and followed it across the Nueces and to the Rio Grande. Near the site of the present city of Brownsville, the Indians made an ambush, into which Scott's party unwittingly rode. The Texians were surprised, and before the bloody battle was over many of the minutemen were killed, including Captain John Scott.

Young Henry Scott was captured by the Indians and taken far into the interior of Mexico. There he remained a captive for several weeks. One night the plucky lad got on a pony, eluded his captors, and made good his escape to Texas. After many days riding alone in the wilderness he came to a *rancho*. The *rancheros* administered to the comforts of the brave boy and assisted him in getting back to Refugio. We will read of him in subsequent chapters as the valiant Captain Henry Scott.<sup>1</sup>

In the fall of 1840 a number of Mexican suspects were taken into custody and incarcerated at Refugio. In October the prisoners escaped, leaving in the hands of the officers a lot of merchandise, which the sheriff was ordered to sell at public auction. The sheriff, Annibal, made the sale, but was dilatory in turning the proceeds into court. On January 12, 1841, he was cited to appear and show cause why execution should not issue against him.<sup>2</sup>

<sup>1</sup> Dobie, *A Vaquero of the Brush Country*, 76; Daniell, *Personnel of the Texas State Government*, 483; Philip Power, *Memoirs*; W. L. Rea, *Memoirs*; Huson, *Saint Mary's of Aransas*.

<sup>2</sup> *Commissioners Minutes*, October 12, 1840, January 12, 1841.

See *Frontier Times* Vol. 26, p. 209, June, 1948.



In the spring of 1841 John R. Baker became sheriff of Refugio County. He also organized and captained a minuteman company. Captains Cameron and Price also reorganized their old companies. Practically every able bodied man in Refugio County was a member at one time or another of one or more of these companies, or reinforced them when they went out on various expeditions. During the latter part of 1841 Captain John McDaniel commanded a Refugio minuteman company, which appears to have been composed of many of Baker's men.

*Baker's Company:* John R. Baker, captain; Matthew Cody, 1st Lieut.; James Wilson, 2nd Lieut.; Michael Fox, Benjamin F. Neal, John McDaniel, Jeremiah Findley and Edward Fitzgerald, spies; Charles Smith, Willard Richardson, Edward St. John, Michael Cahill, Walter Lambert, Joseph E. Plummer, James B. Collinsworth, John R. Talley, John W. B. McFarlane, Rafael Gonzales, Michael Whelan, Francis Plummer and Edward Drew, privates.

*Captain John T. Price's Spy Company*

*Captain:* John T. Price; *Privates:* Thomas Sayre, William R. Rupley, Jacob Elliott, Pierre Rouche, W. J. Carnes, G. Dinkins, J. L. Tresten, W. Snodgrass, E. Bullard, A. Mozier, C. Cameron, O. M. Blackwell, A. Perat, George Lees, George Guthrie, Joseph Rogers, A. Garcia, N. B. Tevvis, W. Stemm.<sup>3</sup>

*Captain John McDaniel's Minute Men*  
(December, 1841)

*Captain:* John McDaniel; *Spies:* Edward Fitzgerald, Jeremiah Findley, Israel Canfield, Bartlett Smith, Benjamin F. Neal; *Privates:* James Wilson, Edmund St. John, Sr., James St. John, William St. John, Edmund St. John, Jr., James Fox, Matthew Cody, Charles Smith, Willard Richardson, J. W. B. McFarlane, Michael Whelan, John Fox, Michael Fox, Michael Cahill.

In May, 1841, a detachment of Mexican troops was sent to the Nueces for the purpose of breaking up contraband trade. They shortly afterwards, during that month, made a raid on Refugio, killing some of the citizens and carrying off others into captivity. They plundered the town and carried away whatever they pleased.<sup>4</sup> Captain Baker took a detachment and pursued the invaders to the Rio Grande. He was unsuccessful in overtaking the invaders. On their return home the Refugians encountered a *caballardo* of over 120 horses, which had been stolen in Texas. Its custodians were attacked

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<sup>3</sup> *Estate of N. B. Tevis*, Probate Records R. C. Est. of Cairns Cameron. *Estate of Israel Canfield, Jr.*, Probate Records Calhoun county.

<sup>4</sup> *Lamar Papers*, IV, pt. 1, 214.

by Baker's men, and the horses recaptured, and in time delivered to the Carlos *rancho*.<sup>5</sup> Colonel Linn adds, "Having driven them very hard on the return home, he [Baker] discovered when he reached Goliad that they would require rest and grazing before they would be suitable for market. He, therefore, drove them down the San Antonio River some fifteen miles and left them to recruit. Some enterprising 'hangers-on' stole the *stolen* horses and drove them to the Guadalupe River. Baker discovered this and sued out a writ of attachment, and the cause came on for trial before Justice Vickry of Victoria County.

"Lawyer Tarpley, for the defendant, and Lawyer Thomas Newcomb, for the plaintiff, maintained an animated legal engagement for several days, to the complete bewilderment of Squire Vickry. The matter was finally compromised by each party paying one-half the cost and dividing the horses equally between them."<sup>6</sup>

Colonel Kinney, then firmly entrenched at Corpus Christi, interceded with General Arista for the release of the citizens captured at Refugio. "When Arista was notified by Lamar thro' Col. Kinney, that these were unoffending citizens and not soldiers, he had them at once restored; and the depredating party punished."<sup>7</sup>

At this juncture it might be well to note something of Colonel Kinney's activities after leaving Live Oak Point. He and his partner, Aubrey, simply moved over to the uninhabited place on Corpus Christi Bay, known as Corpus Christi, and brazenly established themselves without claim of right on lands which were owned by Captain Enrique Villarela of Matamoras.

Kinney, foreseeing that at some not too distant date, he would be called to account by the Mexican government for his illicit trading, and by the owner of the land for his trespass *vi et armis*, took the precaution of assembling a private army to defend his pretensions. This army was a heterogeneous array of killers of a lower type than the vaunted *Cowboys of the West*. Kinney & Aubrey paid these retainers but were afterwards reimbursed therefor by the Republic and the State of Texas.<sup>8</sup>

There are two distinct accounts of Kinney's initial defense of his rancho-fortress. Historians of Kinney and Corpus Christi effect to consider the two as but one and the same transaction, but it may be

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<sup>5</sup> Philip Power, *Memoirs*.

<sup>6</sup> Linn, *Reminiscences*, 310.

<sup>7</sup> Lamar, *Papers*, IV, pt. 1, 214.

<sup>8</sup> G. L. II, 1049, 1124, 1146-1147; III, 457.

well to give both accounts here and let the reader make his own decision.

Coleman McCampbell states:

"The first crisis occurs when Kinney is deceived into buying property from a person who has no title to it. The real owner, Captain Villareal of Matamoros, arrives with three hundred men to dispossess him. All but eight of Kinney's men, alarmed at the size of the opposing force, desert him. Kinney does not lose his nerve; he has had experience, both in the Black Hawk and Seminole Wars; he knows how to out-trick the enemy. A few bombs explode in scattered spots. This gives the impression that he has buried bombs throughout his territory and contrived other secret and terrible means of destroying the enemy. An interview is arranged. There are sharp words, but in the end a peaceful trade is agreed upon. On January 4, 1840, Colonel Kinney enters into a contract with Captain Enrique de Villareal to purchase ten leagues of land extending from the Oso to the Nueces River. Terms are set forth, payments to be made at stated intervals, totalling \$3,000 in money and \$1,000 in merchandise, the latter to be delivered at Matamoros. Kinney makes an initial payment of 845 *reales*. . . ."<sup>9</sup>

Captain Henry's account, probably obtained from Kinney in person, reads:

"For the suppression of this illicit trade, the government of Mexico kept constantly stationed on the Rio Grande a species of troops called *comisiones*. They were usually commanded by some worthless vagabond, who was ready in a moment to sacrifice his duty for a bribe. The government looking with a jealous eye at the increasing trade of "Kinney's Ranch," dispatched an officer of the *comisiones*, with two hundred men, to destroy his contraband goods and take him prisoner. At this time Kinney had with him a company of forty men. Receiving information of the intended expedition, he hurried to 'Live Oak Point,' a neighboring settlement east of the Nueces, to obtain all the assistance they could spare.\* On his return he found that his valiant company had not only deserted him, but stolen most of his goods.

"The 'Ranch' was in itself, a pretty strong work, being surrounded by a wall pierced for infantry, and having two pieces of artillery mounted for its defense. The commanding officer of the detachment halted his men within three miles of the Ranch, and dispatched a messenger to Colonel Kinney, telling him if he

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<sup>9</sup> McCampbell, *Saga of a Frontier Sea Port*, 6-7.

\* *Corpus Christi, A Guide*, 55, states that he went to Live Oak Point for assistance, but was unsuccessful, and returned to his post to find that all but eight of his army had deserted. This account identifies the defense as against Captain Villareal and 300 men.



would give up his goods peaceably, he would not molest his person. The colonel's force consisted all told of eight trusty adherents. While the messenger was delivering the mandate of his superior, they were employed, by order of the colonel, digging holes in which to place some bomb-shells, the 'Ranch' being well supplied with the various material of war. Observing that the proceedings of his men had attracted the attention of the messenger, the colonel said to him, 'go back to your captain; tell him I'll neither surrender my goods nor myself; I'll fight him to the last and will lay his bones and those of his command to bleach at my door.' This reply being reported to the worthy commander, he exclaimed, 'Why, what has got into this d—d American? He must have been sure of whipping me or he would never have sent so fierce an answer'."

Whereupon Kinney and the *comisiones* came to a peaceful understanding.<sup>9/1</sup> It would appear that the eight men Kinney had with him were those he had brought back from Live Oak Point.

Kinney's course at Corpus Christi was enigmatic.<sup>10</sup> He was trusted by both Texian and Mexican governments. He gave to each valuable information concerning the other and was so clever about it, that neither suspected him. He soon obtained a monopoly of the trade between Texas and Mexico, and acquired hundreds of thousands of acres of land in the trans-Nueces country. He did business on a big scale and amassed a potential fortune. He was a showman *par excellence*, and a promoter to the dizziest heights. He craved publicity and notoriety, and achieved them. From all accounts, he was an able and courageous man and a too generous friend.<sup>11</sup>

On July 4, 1841, occurred an event which brought Kinney under a suspicion of *mala fides* which never has been completely dispelled. Kinney and Aubrey were hailed before the district court at Victoria and charged with complicity, but were acquitted. In the early summer of 1841 Captain Philip Dimmitt and James Gourley, Jr., both citizens of Refugio County, began establishing a wharf, warehouse and trading post on the Nueces River about 15 miles above Corpus Christi. The object was to engage in the Mexican trade. It is not clear on which side of the river they erected their buildings, whether

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<sup>9/1</sup> Henry, *Campaign Sketches of War With Mexico*, 19-20; *Lamar Papers*, IV, pt. 1, 212, 213, 214; Norton, *Life of Henry L. Kinney*.

<sup>10</sup> Milford P. Norton, *Papers*; Philip Power, *Memoirs*; Wilbarger, *Indian Depredations in Texas*, 65. McCampbell, *Saga of a Frontier Sea Port*; Caller-Times, *Corpus Christi, A Guide*; Sutherland, *The Story of Corpus Christi*.

<sup>11</sup> The preponderance of tradition would indicate that they were west of the Nueces. The fact that the indictment upon which Aubrey and Kinney were tried was heard in Victoria county would indicate that it had been returned in Refugio county and the case transferred to Victoria. If the indictment was found in Refugio county this would indicate that the alleged offense of abduction took place in Refugio county.



in Refugio County or just across the river from the county.<sup>12</sup> The site is said to be near the present town of Callallen.<sup>13</sup>

On the day in question, Dimmitt and his workmen were engaged in completing the trading post, when a squadron of Mexican cavalry, under Captain Sanchez, aide-de-camp to General Pedro Ampudia, appeared and captured the entire party. Gourley seems to have feigned illness and was released, but Dimmitt, James C. Boyd, and Stephen W. Farrow, were taken to Mexico. The post was plundered of merchandise valued at about \$6,000.00. The fact that Aubrey & Kinney's post, but a few miles away, was not molested, lent to the suspicion that the latter had connived with the Mexicans to rid them of commercial rivals.<sup>14</sup>

When Dimmitt's fate became known, the entire citizenship of the Republic was aroused. Few citizens deserved greater gratitude of their country than did Dimmitt. Mass meetings were held throughout the country demanding that the Texian government take immediate action to obtain the hero's release, even to the extent of rescuing him by force of arms. Such meetings were held at Aransas City, Lamar, Refugio, and Victoria.<sup>15</sup>

An example of the feelings of the people on this subject is reflected in a letter from Samuel A. Roberts, the Secretary of State, to President Lamar, excerpts from which follow:

"... an express has come in [to Austin] in five days from Flour Bluffs on Corpus Christi Bay via Lamar, Victoria, Gonzales, & bring certain intelligence that a party of Mexican cavalry under the command of Capt. Sanchez, aid-de-camp to Genl. Ampudia, on the morning of the 4th inst. forcibly take Capt. P. Dimitt and three other Texan Citizens from the loading station of the former, together with all the money, goods & of Capt. D. and Mr. Gourley amounting in value to about \$6000—Capt. D. & the three men have been taken as prisoners to Matamoros—The man who came here was also taken but feigned sickness so well, that they left him—He brings letters from Capt. Byrne & Mr. Gourley, at Lamar, the resolutions & memorial of the citizens of Victoria adopted at a town meeting & letters from several highly intelligent gentlemen at Gonzales & other places, all calling for prompt & immediate action from the Govt. The country they say are ready to turn out

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<sup>12</sup> Norton, *Life of Henry L. Kinney*; *Journal of Sixth Congress* I, 15 (note).

<sup>13</sup> *Journal of Sixth Congress*, I, 15 (note); Roberts to Lamar, July 14, 1841, *Lamar Papers*, III, 546-547; See Yoakum, *History of Texas*, II, 319-320; Chabot, *Perote Prisoners*, 142 (note); Glasscock, *Diary of the Mier Expedition* (MS), State Library.

<sup>14</sup> Chabot, *Perote Prisoners*, 142; Thrall, *History of Texas*, 531; Yoakum, *History of Texas*, II, 319.

<sup>15</sup> *Lamar Papers*, III, 546.

enmasse to rescue Dimitt & his fellow prisoners, or to retaliate, and if not authorized by the Government, we are assured by the courier (and from the spirit of the letters & record, we cannot doubt it), that they will take the field without orders—under this critical state of affairs, the Cabinet upon mature deliberation have concluded to *authorise* the turning out of the militia, tho not to order them out. . . .”<sup>16</sup>

Kinney and Aubrey appear to have been promptly informed of the sentiment of the country and of the preparations under way to rescue Dimmitt by force of arms, and they exerted their influence with the government to restrain such actions. Volunteers from Victoria, Refugio and other parts of Texas were on the Nueces by August 18, 1841, with more expected daily.<sup>17</sup> On September 18, Aubrey & Kinney wrote the president:

“By your request Col. Kinney will leave immediately for Mexico and will use every exertion to promote your views. We have positive information that Demitt and the other prisoners were sent to Monterrey to be at the disposition of Arista, and we have full confidence on his meeting set at liberty, our best services shall be made use of to attain it.”<sup>18</sup>

Colonel Kinney did go to Mexico, but his visit availed nothing; neither did the Texian government take any action other than to arrest by way of reprisal a band of innocent Mexican traders, who were released when General Arista began throwing more Texian citizens in jail.<sup>19</sup> Captain Dimmitt was left to his fate.

Dimmitt and his friends were taken to Monterrey, where they were put in irons. With a band of Texian prisoners, numbering nineteen, he was marched farther into the interior. At Saltillo the Texians resolved to escape, and procured from some physicians a quantity of morphine. They also procured a good supply of *mescal*, which they mixed with the morphine, and began plying their guards with the concoction. At the *Hacienda de Agua Nuevo*, where the party stopped for the night, the Texians completed their questionable hospitality to the guards. The overdose of morphine acted as a boomerang. The guards, instead of becoming stupefied, became alert, and when attacked, resisted. All of the prisoners managed to escape except Dimmitt, but before they had gone far, they were

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<sup>16</sup> *Lamar Papers*, III, 546-547, 555.

<sup>17</sup> *Lamar Papers*, III, 562-563, 563-565.

<sup>18</sup> *Lamar Papers*, III, 568-569.

<sup>19</sup> *Lamar Papers*, V, 494-495.

discovered. The captain of the guard sent a message to the fugitives that unless they gave themselves up, he would have Dimmitt shot. Dimmitt overheard this instruction, and being low in spirits and expecting the worst, took an overdose of morphine with intent of committing suicide. Having done the fatal act, he calmly seated himself and wrote a farewell letter to his wife. While waiting for the drug to do its deadly work, he remarked to a companion, "I do not fear death but dread the idea of ending my life in a loathsome dungeon. Tell them I prefer a Roman's death to the ignominy of perpetual imprisonment, and that my last wish is for my country's welfare." He then passed into a sleep from which he never awoke. Thus perished one of the grandest patriots Texas has ever produced.<sup>20</sup>

The Santa Fe Expedition was another notable event of the year. It started from Austin in June, 1841. The fate of its participants is well known to history.<sup>21</sup> Two residents of Refugio County accompanied the expedition. They were Joel T. Case, the "fighting parson," and Peletiah Bickford. Major Cyrus W. Egery, a noted Indian fighter in and around Bexar, who settled Egery's Island off of Black Point, was a member of the expedition, as was James Hampton Kuykendall.<sup>22</sup> Case and Bickford were finally released and returned to Refugio County. Case shortly afterwards moved to Victoria County, where he died, after a distinguished career.<sup>23</sup>

The town of Refugio was raided and sacked, on August 31—September 1, 1841, by a band of Mexican irregulars, led by a cruel chieftain named Agaton or Ortegon.<sup>24</sup> The raiders entered the town about sundown of the 31st, and the citizens were taken by surprise. The bandits "made prisoner every man save one before the colonists hardly knew what had happened. The one colonist who did not surrender was Henry Ryals, who at the time was one of the Justices of the

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<sup>20</sup> Chabot, *Perot Prisoners*, 142-143, quoting. Yoakum, *History of Texas*, II, 319-320.

<sup>21</sup> Kendall, *Santa Fe Expedition*; Chabot, *Perote Prisoners*; Yoakum, *History of Texas*, II, 231-234; Bancroft, *North Mexican States*, II, 333. Brown, *History of Texas*, II, 189-196, 220-221. Wortham, *History of Texas*, IV, 80-91. Johnson, *Texas and Texans*, I, 473.

<sup>22</sup> Philip Power, *Memoirs*.

<sup>23</sup> *Victoria Advocate*, Am-Ed. Rose, *History of Victoria*.

<sup>24</sup> *Sacking of Refugio*

A gentleman from Bexar has informed us that it is now currently reported in the West that the sack of Refugio was made by a party of Mexicans who have been regarded as citizens of Texas, and resided near Carlos' Ranch. Their object was not so directly for the purpose of plunder, as to destroy the records of the District Court, which contained bills of indictment against several of them, as accessories and principals in the robbery of Colonel Karnes, and other merchants on the San Antonio, a few years since, while returning from Aransas, with several teams loaded with merchandise. They plundered the teams and attempted to murder Colonel Karnes. Fearing they would be convicted, they have taken this summary method to destroy the evidence of their guilt, and in doing it, have committed a greater crime than the first. We understand a full investigation will be made relative to the affair at the next term of the District court, and it is hoped that the guilty wretches will be detected and made to atone for their villainies. Agator sic, their leader, has fled to the Rio Grande; but it is supposed many of his accomplices still remain near Bexar and consider themselves secure under the impression that no evidence can be brought against them. *Nowyerrono Telegraph and Texas Register*, December 1, 1841. Reprinted in *Southern Messenger*, December 4, 1841. See also "Captives of Refugio," in *Telegraph and Texas Register*, December 8, 1841. *Daily Bulletin*, January 15, 1842.



county. Judge Ryals was at his store at the eastern edge of town.. when the marauders appeared. The old veteran immediately appraised the situation and reached for his rifle and barricaded himself before the intruders could make their entrance. Thus he remained embattled throughout the night.

The raiders left a cordon to hold Ryals at bay, while others rounded up the other male inhabitants of the town. "When every able-bodied man in the settlement had been made a helpless prisoner, the first thing the bandits did was to strip them of their clothing and then rob the homes, their captives were unable to protect. They pillaged, plundered and pilfered, appropriating what they could carry and burning the rest. Bed ticks and pillows were even emptied of their contents and added to the booty. As fast as the terrified women would pass out clothing to shield the nakedness of their tormented loved ones, it was taken from them and consigned to the plunder." It is said that the clerk's office was also raided and the archives thrown into the wind, which act scattered them over creation. It is thought that indictments were pending against some of the bands, and the records were destroyed in order to defeat justice.

The marauders now turned their attention to Judge Ryals. An attempt to crash his barricades met with a volley from his trusty rifle. One Mexican was killed outright, and another was mortally wounded. After abusing the old soldier vocally, the raiders retired out of rifle range and conferred. Evidently not desirous of risking further injuries to themselves, they decided to resort to stratagem. They persuaded one of their captives, a citizen well known to Judge Ryals, to go to the old hero and inform him that if he would lay down his arms, his life would be spared. Ryals, realizing that the odds were against him and believing the offer was made in good faith, accepted it and surrendered. He was put with the other prisoners.

"When the outlaws had done what mischief they could, they tied their prisoners, with hands bound before them, to the tails of their horses, and started off at a brisk trot, which did not end until Burke's Hollow was reached, six miles south of the Mission. Here (it was now Septmeber 1), Ryals, the only colonist who had shown fight, was strung to the limb of a tree and riddled with bullets." Other accounts state that Ryals was tied to a horse's tail and dragged to death, his body being also riddled with bullets.

At Burke's Hollow, Sabina Brown, who was then the wife of Michael Fox, one of the prisoners, came up with the party. This woman, (who, it will be remembered, had been in the Mission during



the battle of Refugio), had followed her husband on foot all the way from town. She was *enciente* at the time, and was "crazed with grief." When she appeared, one of the bandits struck her on the head with a pistol. This act did not please Ortegón, cruel as he was. "In reparation . . . the leader graciously permitted the husband to return to the Mission with his wife."

Michael Fox and Matthew Cody, who was crippled with wounds, were the only men left in the town. Captain Baker, the sheriff; Bartlett Annibal, the former sheriff; James Fox, John Fox, William St. John, James St. John, and Colonel Power were among the numerous citizens carried into Mexico.<sup>25</sup> The ranchmen on the San Antonio River, upon learning of the disaster which had befallen the town, came with ox-carts and conveyed the women and children of the captives to their ranches, where many of the families continued to live until their husbands and fathers were finally liberated.

On September 22, 1841, Joseph E. Plummer, who was then living on Copano Bay, wrote to President Lamar. "This section of country is in constant alarms from parties of robbers. The object of this is to request for the use of the bay alone (or those living on the bay) ½ doz. 16 shooters. They will be taken good care of and subject to be called for at any hour. Your compliance will be considered a great favour, to ourselves and safety of the women & children as this place contains a very large portion of those."<sup>26</sup>

The fall term of the district court was not held. Congress adopted a joint resolution, directing that no deduction should be made from his salary because of his failure to hold this court.<sup>27</sup>

The County Court of Refugio County convened on September 1, 1841, probably at the Carlos Rancho. Edward St. John was elected to fill out the term of Judge Ryals. Peter Teal resigned as justice, probably for the purpose of enabling him to serve as sheriff pro tem (although the records do not show such appointment). Matthew Cody was appointed to succeed Teal as justice. The county court thereafter was composed of Benjamin F. Neal, chief justice, Jose Miguel Aldrete, Gideon R. Jaques, Edward St. John and Matthew Cody.<sup>28</sup>

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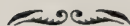
<sup>25</sup> *Refugio Timely Remarks*, Centennial Editors, December 14, 1934, 11. General P. H. Bell's Report, November 21, 1841, Lamar Papers, III, 592-594; also *Executive Records*, No. 39, p. 267. Philip Power, *Memoirs*.

<sup>26</sup> *Lamar Papers*, III, 572-573.

<sup>27</sup> Joint Resolution, December 30, 1841, G. L. II, 806.

<sup>28</sup> Com. Ct. Min. R. C., A. Edward St. John was regularly elected January 10, 1842. There are indications that Charles Smith, the deputy sheriff, acted as sheriff, until Captain Baker's return.

Colonel Kinney was once more appealed to. While local accounts state that the Refugio citizens or many of them were held in Monterrey, Mexico, for long periods—"Many months," certain records indicate that most of them were released in a short time. The muster roll of Captain McDaniel's Minutemen shows that James St. John William St. John and James Fox were paid for military service in December, 1841. Captain Baker appears to have been back in Refugio by October.



## CHAPTER XXV

### CATACLYSMIC YEAR 1842



THE YEAR 1842 was a bloody one in the annals of Refugio County. The year opened with ominous rumors from the south of the Rio Grande of an impending new invasion of Texas. General Rafael Vasquez was said to be concentrating large bodies of troops at Matamoros and other Rio Grande citadels. Later more specific information was received. Before the Vasquez raid became a reality, however, this section of Texas was shocked by a bloody tragedy, the details of which are related by John J. Linn.

"During the year 1842 seven Mexicans came from Camargo, on the Rio Grande, to the mission of Refugio, from which place they dispatched a messenger to the mayor of Victoria, Wigginton, asking permission to visit Mr. Ysidore Benavides at his ranch on the Chocolate. The mayor readily complying with their wishes, the party proceeded to their destination. One of the number was a brother of Mrs. Benavides, and he brought her some money to which she was entitled from her father's estate. They also had some fine 'Mexican blankets' and other articles of Mexican manufacture, which they purposed bartering for tobacco and other articles of necessity in their families. In Victoria at that time was a company of organized bandits and cut-throats called 'the Cowboys,' whose leader was one Wells. Among the number was that cold-blooded assassin, Mabry Gray, whose fiendish atrocities furnished the imagination of Hon. Jere Clements, of Alabama, the material for the mock-heroic fiction known once, but now happily scarce, as "Mustang Gray".

"The party of seven Mexicans completed the period of their visit, and departed with some bales of tobacco, dry-goods, etc., for their homes. The 'Cowboys,' or more properly, 'Men Slayers,' followed them, instigated by the craving of a consuming cupidity, to their camp a few miles beyond the town of Goliad, where they accepted the hospitalities of their intended victims and ate at their camp-fire. 'Mustang Gray', that moral monstrosity, announced their fate to the doomed men. Doubtless Mustang felt an exquisite thrill of pleasure pervade his brutal soul at this refinement of demoniacal cruelty, as the cat does in torturing the terrorized mouse before feasting upon it. The 'doomed seven' were tied together, and (was it in mockery or through respect for the Diety?) informed that they would be allowed a few minutes in

which to offer up their prayers. This last sad duty performed, the victims announced with heroic resignation that they were prepared to receive the messenger of death. Whereupon the 'Cowboys' emptied the contents of their guns into their persons, and the paltry plunder was all their own. To the victors belong the spoils!

"The 'victors' divided the spoils. The tobacco was hidden in the vicinity, the pirates intending to return at a more convenient season and apportion it among themselves. The horses and their equipments were sent east by two of the number for sale. These two never returned to divide the blood-money, thus demonstrating the fact that these degraded beings in the form of men had not that instinct of 'honesty among thieves' in common with the felons of other lands. When the buccaneers returned for the tobacco it was not to be found. An enterprising thief had anticipated his 'pards', and that was all there was to it.

"One of the Mexicans, as if Providence specially interposed to save him, was not hit, though the handkerchief with which his eyes were bandaged was perforated by buck-shot and rifle-balls. He fell, however, and feigned death. The ghouls stripped him and the others to the drawers and undershirt, and departed, their hearts elated by victory and proud of their prowess at arms!

"Manuel Escoban, the sole survivor of this massacre, was a cousin of Mr. Benavides. When Gray announced to the victims their impending fate, they, knowing that robbery was the incentive, offered Captain Wells all they possessed on condition that their lives were spared. Escoban, who was the only unmarried man in the party, offered himself as a vicarious sacrifice for the others. 'Kill me, but spare these to their wives and little ones!' he pleaded in vain. The summary execution proceeded as above, and with the fatal volley Escoban fell under the body of the victim who was tied to him, and thus was he miraculously saved. When the assassins had left his first care was to disengage himself from the corpse, which was accomplished with difficulty.

"The scene that met his eyes was heart rending in the extreme. There lay the bodies of his kinsmen, stark and stiff in death. His only article of apparel was his drawers. He picked up a crownless hat from the ground, and, with the evening star for a guide, bent his footsteps towards the west. He met Mr. [Peter] O'Boyle the next day, near the St. Nicholas [San Nicholas] Lake, and received the succor he so much needed." O'Boyle brought the unfortunate man to Refugio, and kept him in his home until he was nursed back to health. He then went back to Victoria to demand justice. Linn says, "The officers heard his narrative of



the horrible affair, myself acting as the interpreter. Good people were horror-stricken at the outrage, but no attempt was made to bring the criminals to justice."<sup>1</sup>

Shortly after this horrible tragedy Colonel Kinney sent a runner to Austin with the information that Vasquez would soon invade Texas by the two classic routes. This message was in the hands of the Texian government three weeks before the invaders appeared.<sup>2</sup>

The Texian government, now again headed by General Sam Houston, had heard the same kind of rumors continually since June, 1836, without anything having come from them. It, therefore, was unimpressed by Kinney's dispatches, and did nothing to put the country in a state of defense.<sup>3</sup> On March 7, 1842, Vasquez and his main army surprised and captured San Antonio. On March 6, a detachment of his secondary army captured Refugio.<sup>4</sup>

About the time Vasquez and his main army left the Rio Grande for San Antonio, a smaller unit under Lieutenant Colonel Ramon Valera, left Matamoros for the Nueces, with the object of menacing Goliad, Refugio and Victoria. Captain Manuel Sabriego, formerly of Goliad, was to have headed this party, but at the last moment was unable to do so. Valera's force numbered about 350 men.

Valera's movements from Matamoros to the Nueces were cloaked in such secrecy that even Colonel Kinney did not learn of them until too late. Kinney personally captured three of Valera's spies,<sup>5</sup> but this was after the invader had neared the Nueces.

Colonel Valera established his headquarters at Filisola's old camp-site of *Muguerro*, between San Patricio and Goliad. From this point he sent out two detachments, one under Captain Miguel Aznar to occupy Goliad, and the other under Captain Jose Maria Gonzales to go back to the Nueces and seek out Colonel Neill Carnes and his Cowboys and destroy them.

Carnes was then camped on the Nueces, but was in total ignorance of the presence of the enemy. He had with him at the time only nine men, one of whom was Captain Cameron. Gonzales took these Texans by surprise. Carnes, Snodgrass, Miles, White, and one other were killed before they could hardly defend themselves. Cameron made his escape, but Marvin and Wells were captured. The remainder of Carnes' company happened to be at Kinney's trading

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<sup>1</sup> Linn, *Reminiscences*, 322-324. See also Philip Power, *Memoirs*.

<sup>2</sup> *Lamar Papers*, IV, pt. 1, 214.

<sup>3</sup> *Lamar Papers*, IV, pt. 1, 214; Wortham, *History of Texas*, IV, 93. Houston to Daingerfield, March 12, 1842, Williams, *Writings of Sam Houston*, II, 500.

<sup>4</sup> *Lamar Papers*, IV, pt. 1, 214; Yoakum, *History of Texas*, II, 349-350; Brown, *History of Texas*, II, 211-216; Wortham, *History of Texas*, IV, 93-96.

<sup>5</sup> *Lamar Papers*, IV, pt. 1, 214.

post at the time this disaster befell their comrades. Gonzales proceeded at once to Corpus Christi to apprehend these Cowboys. They appear to have eluded him. Kinney persuaded Gonzales to liberate Marvin, which the Mexican did then and there. Several weeks later Kinney went to Matamoros and obtained the release of Wells, who returned to Texas via New Orleans.<sup>6</sup>

Captain Aznar and his detachment occupied Goliad at dawn, March 3. He summoned the populace to the church, and there read to them General Arista's proclamation calling upon all Texians to return to their Mexican allegiance. He then sent out raiding parties down the river. No further harm was done the town or its people. After dark Aznar withdrew his troops and rejoined Valera at *El Muguerro*. Here he was assigned another mission.

The town of Refugio was occupied by Aznar's detachment at dawn on March 6. The town was undefended, and no resistance was offered. As was done at Goliad, Aznar summoned the residents of Refugio to the Mission, and compelled them to hear Arista's proclamation. He also levied upon the town for a supply of provisions.

It had so happened that the night before a band of Lipan Indians with a *caballardo* of horses and mules had arrived in town. The leaders of the band were the son-in-law and the nephew of Chief Castro. As the Indians were peaceable, and travelling under a safe conduct issued by the Texian government, they had been received as friends and been permitted to stay in a house on the edge of town. The Lipans had not gone when the Mexican troops arrived and were in ignorance that the town was in the hands of an enemy. Aznar on learning of the Indians' presence, attacked them without warning. All of the Lipans were either killed or captured; and the *caballardo*, which the Mexicans claimed was stolen, passed into Aznar's possession. The son-in-law and nephew of Castro were among the killed. The Mexicans evacuated Refugio at nightfall, and rejoined Valera near San Patricio.

Kinney's trading post then came in for another working over. Aznar and his detachment were ordered to visit Corpus Christi to see if everything was in order. Valera was to begin falling back to Mexico, and Aznar was to rejoin him enroute after accomplishing his mission. After Aznar had left, Valera commenced a leisurely retreat to Mexico, but ran into an unexpected situation. The Lipans, who learned of the fate of their tribesmen at Refugio, hastily

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<sup>6</sup> *Lamar Papers*, IV pt. 1, 211.

assembled about 300 warriors and struck out after Valera. They fell upon him below San Patricio, and for a few minutes the situation of the Mexicans was precarious. The herds of horses and cattle were stampeded. The Mexicans finally rallied and after a brisk fight beat off the Indians. The Mexican army eventually got back safely to Mexico, but without the Lipans' live stock.<sup>7</sup>

The news of the Vasquez invasion alarmed and angered the Texans. The able bodied men of the republic laid aside their normal affairs, saddled up their horses, and, with rifle in hand, repaired to the nearest rendezvous, demanding to be led against the enemy. The "coast wise people rallied at Goliad." The volunteers elected Colonel Clark L. Owen to be their commander. At Goliad were volunteers from Refugio, Victoria, Jackson, Matagorda, and Brazoria counties. A reconnaissance in force was organized which scoured the trans-Nueces to ascertain the whereabouts of the enemy. In this scouting party were Captains Cameron, Baker and Price, Thomas M. Duke, John J. Linn, Alfred S. Thurmond, William R. Rupley, William L. Hunter.<sup>8</sup> About two weeks later General Albert Sidney Johnson arrived to take charge of the situation personally. With him were certain regular army and ranger units. He established his headquarters on the lower San Antonio River, near the Carlos Rancho. Thereafter most of the volunteers from the distant counties returned to their homes.

About this time there occurred in the San Antonio River section of Refugio County what is known as the Gilleland Massacre. Although Mrs. Fisher and Lieutenant Hannum both give the date as being the spring of 1840, the Minutes of the Commissioners' Court of Refugio County state that it was in 1842, and it is believed that such entry is the more reliable.

Lieutenant Hannum\* relates:

"It was in the spring of 1840 [1842], we were in force on the San Antonio River to repel a Mexican invasion. News came to us that the Indians were at the Mission of Refugio, and at night we received the information that the same Indians had killed a [Mr. Gilleland and his wife] at the Mexican village, Don Carlos Rancho. After the massacre they evidently moved up the river . . . holding two white children prisoners. About 9 o'clock in the morning we were called out on horse, General Albert Sydney Johnston commanding. He called for a party of

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<sup>7</sup> Chabot, *Corpus Christi and Lipantitlan*, 15-26 (in which the official reports of the Mexican officers are given), *Lamar Papers*, IV. Pt. 1, 214.

<sup>8</sup> Brown, *History of Texas*, II, 215-216.

\* The same account in DeShields, *Border Wars of Texas*, 385-389, gives the time as Spring of 1842. See *Handbook I*, 602, R. J. Fisher.



ten men, well mounted, to reconnoitre. I joined the party of nine and with General Johnston went one mile below. The party consisted principally of frontiersmen, but it soon became evident that they were unaccustomed to the trail, so I—having been trained . . .—took observations of the surroundings, and located the trail leading into the San Antonio bottoms, which I pointed out to Gen. Johnston. Gen. Johnston here remarked that the command under arms, and in the saddle, must be tired waiting and ordered a return to camp. We then dismounted and made a cup of coffee—the Texan's beverage—and . . . started for the east side of the river, the few Matagordans remaining as the expedition was breaking up.

“At the head of a half dozen men I observed on old Indian trail, obscure to the uninitiated, where I told the men the Indians would cross. After passing the bottom we met Capt. [John T.] Price and his scouts, who told us that he had seen the Indians and that they had run into the timber. I told the Captain if he would give me fifteen men I would defend the trail which I had discovered. He told me to count the men and do so. As we returned we met Adjutant Murphy, of the Regiment—, Mustang [Mabry] Gray, [who has been heretofore mentioned] hero of an after written novel, and a Mexican, white as a Mexican could be from fright. They told us that the Mexicans had crossed at the trail discovered by himself. I immediately sent word to the Captain to surround the timber while we pursued them. We were soon in the chase and bold was the riding in pursuit.

“There was Dr. A. F. Axsom, so distinguished afterwards as President of the Board of Health in New Orleans, Col. Kerr Purser, of Texas Navy, afterwards Episcopal minister at Baltimore. Hard by was Dallam, author of Digest of Texas Statutes—now authority, and author of novel, ‘The Texas Star.’ Two miles away was our noble ex-President Mirabeau B. Lamar\* and the ‘Hero of Shiloh.’ Sydney Johnston, in camp, on this lovely Texas day, and not far from Fannin’s battle ground where he and his were *afterwards* massacred.\*\*

“The pursuit was far more exciting than the conflict which ensued. The Comanches scattered, and our men yelled vociferously, ardently pursuing the fleeing. It was impossible for them to escape. After clearing the timber they banked their baggage and formed a line to receive us, while an . . . old chief ran up and down the lines playing a flute. They had evidently counted our number and had intended to give us fair battle. I gave

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\* Lamar first became president in 1839 and retired from the presidency in the winter of 1841. He was therefore president and not an ex-president in the spring of 1840. He would have been an ex-president in the spring of 1842.

\*\* This indicates that Hannum, who wrote in 1887, did so from memory. Fannin had of course been massacred prior to the Gilliland massacre.



orders to my men to forward, and were then in the prairie moving in eschelon, watching and awaiting events. It was my intention after passing them to take them in flank, for I knew they could not leave their baggage. Firing commenced when a gay Indian, in beautiful costume, . . . upon a horse handsomely caparisoned, presented too fair a picture to resist a shot. He dropped from the horse, which was one they had captured the day before, and retired into the woods, after which the Indians all took to the woods for the purpose, as I then thought, of taking to the trees. We fastened our horses and pursued them to give them fight in regular Indian style. They never rallied, but ran leaving guns, shields and Chieftan's feathers, all no great trophy. We recovered the children prisoners, a little boy, lanced or shot through the side, and a pretty curly haired girl. The case of the healing of the wound of the little boy, Wm. [McCalla] Gilleland, was published in the Medical Journal by Dr. A. F. Axson, of New Orleans, and the little girl, [Mrs. Rebecca J. Fisher], is now one of the handsomest women in Texas, and a veritable queen of society."<sup>9</sup>

The Gilliland massacre occurred at their home on the west side of the San Antonio River, near the ranch of Nicholas Fagan, and not far from Wellington's Ferry. (William) Johnstone Gilliland and his wife, Mary Barbour Gilliland, and the two children, Rebecca Jane and William McCalla, were in the yard, and, as Mrs. Fisher narrates, "Suddenly the war whoop of the Comanche burst upon our ears sending terror to all hearts. My father in trying to reach the house for weapons was shot down, and near him my mother, clinging to her children and praying God to spare them, was also murdered. . . ." "We were torn from her dying embrace and hurried off into captivity, the chief's wife (for so she was said to be) dragging me to her horse and clinging to me with a tenacious grip. She was at first savage and vicious looking, but from some cause her wicked nature soon relaxed, and folding me in her arms, she gently smoothed back my hair indicating that she was very proud of her suffering victim. A white man with all the cruel instincts of the savage was with them, and several times they threatened to cut off our hands and feet if we did not stop crying, when the woman in savage tones and gestures would scold, and they would cease their cruel threats. We were captured just as the sun was setting and were rescued the next morning. Neither of us was scalped, as has been reported."

"During the few hours we were their prisoners, the Indians never

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<sup>9</sup> Dr. Anthony B. Hannum, in Florence (Ala.)—July 30, 1887, quoted in Fisher, *Capture and Rescue of Mrs. Rebecca J. Fisher, Nee Gilliland*, 3 Q 209-210.

stopped. Slowly and stealthily they pushed their way through the settlement to avoid detection, and just as they halted for the first time the soldiers suddenly came upon them, and firing commenced. As the battle raged, the Indians were forced to take flight. Thereupon they pierced my little brother through the body, and striking me with some sharp instrument on the side of the head they left us for dead, but we soon recovered sufficiently to find ourselves alone in that dark dense forest, wounded and covered with blood."<sup>10</sup>

DeShields states that Captains Alfred S. Thurmond and Andrew Neill were in the party which rescued the children.<sup>11</sup>

The Gilliland children were taken to the Carlos Rancho, where they were given medical treatment by Drs. Axsom and Hammond. Mrs. Fisher states that the next day she was taken by General Johnston to Victoria and placed in the family of Dr. Blair, a Presbyterian minister, and that she was soon joined by her brother. She was reared by the Blair family and subsequently married Orceneth Fisher, a Methodist minister. For many years she was State President of the Daughters of the Republic of Texas.

The first person to come to the Gilliland home after the tragedy was Dr. Royal W. Wellington, who lived on the east side of the river, and operated a ferry as well as a plantation. The elder Gillilands were beyond need of a physician when he found them.

The Minutes of the County Court of May 30, 1842,<sup>12</sup> contain the following entry:

"Whereas information having been recd. by the Prob. Court of Ref. County that William Gillilan and — — Gillilan, his wife, was murdered by the Comanche Indians on the — — day of — — 1842, having at their death two children, Rebecca Jane Gillilan and William Gillilan who are destitute of means of subsistence therefore considered by this Court as indigent orphans and will be provided for by the said Court in accordance with an act to provide for the support and education of indigent orphans, and as the estate of the aforsd. William Gillilan decd. remains yet vacant no one having applied for letters of Adm. thereon, it is ordered by the Court that the same be committed to the charge of Peter Teal, an acting Justice of the Piece [sic] for the County of Refugio he complying with the requisitions of the law."

The Minutes of the Court for June 16, 1842, show that Thomas O'Connor appeared and entered into indentures with said court for

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<sup>10</sup> Fisher, *Capture and Rescue*, 3 Q 209-213.

<sup>11</sup> DeShields, *Border Wars in Texas*, 194.

<sup>12</sup> *Minutes Com. Ct. A.*, 53. Act for relief of Rebecca Jane Fisher and William M. Gilliland, August 18, 1856, G. L. IV, 137.

the maintenance of Rebecca Jane Gilliland, who would be 16 years of age in 1847, and William McCalla Gilliland, who would be 18 years of age in 1851, being the orphan children of William Gilliland, deceased; the children were to reside and remain with the said Thomas O'Connor until they respectively arrived at the ages of 16 and 18, in accordance with Act approved February 5, 1841. Evidently a different provision was subsequently made for the welfare of the Gilliland children, as has been heretofore indicated.

At the same time the Comanches massacred the Gillilands they also raided several ranches in the vicinity, among them that of Philip Howard, whose wife had lost two previous husbands who had been killed by Indians. She was the mother of John McSherry, who had been kidnaped by Indians in 1836, and rescued the same year by Lieutenant Joseph Rogers. The Howard ranch in this county was between the Carlos Rancho and the Gilliland place. After this raid the Howards moved to Hallettsville.<sup>13</sup>

The Texian government feared that the Mexican invasion might be repeated and might come by land or sea or both. President Houston, therefore, sent an expedition of Galveston coast guards, under Lieutenant John Wade, to Copano. The executive order, dated March 11, 1842, provided:

"You, (having been appointed to the command of this expedition), will proceed with all possible dispatch for Aransas Bay, or such other place on the Coast as you may deem expedient to visit, there to make search for vessels employed in the service of Mexico—either transports for troops or provisions, munitions of war, &c, &c—to examine every vessel you may meet with and suspect, having due regard to the usages of war in such cases.

"You will direct the movements of the two vessels which accompany you, and which are under your command, and if possible keep up a constant communication with this place. [Galveston].

"Your movements are not to be confined to the bay of Aransas, but you will prosecute your search along the coast in either direction as far as you may think necessary for the interest of the service to intercept and seize all articles contraband of war, designed for the Mexican camp, under either neutral or Mexican colors; to send all prizes under charge of prize-masters to this port for trial and adjudication.

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<sup>13</sup> DeShields, *Border Wars in Texas*, 194-195.



"Gail Borden, Jr., Collector, is appointed prize-master, for all vessels taken as prizes and brought to this place."<sup>14</sup>

Captain John Clark, who had sojourned at Aransas City during the Federalist Wars, was appointed Naval Commander of the Copano expedition, to act under Lieutenant Wade's orders.<sup>15</sup>

An appeal was made to the United States for volunteer "immigrants," who were requested to rendezvous at Corpus Christi.<sup>16</sup> The seat of government was moved from Austin to Houston, and Captain John C. Hays was requested to raise a company of 200 men prepared to spend the summer in ranging and spying from San Antonio to Corpus Christi and Westward.<sup>17</sup> A proclamation was issued blockading the Mexican ports.<sup>18</sup> On April 14, the president issued a proclamation calling for volunteers.<sup>19</sup> On May 3, James Davis was appointed acting Adjutant General, and on May 5, he was ordered to Corpus Christi to assume command of the troops assembled and to be assembled there.<sup>20</sup> On June 17, order was issued to J. D. Boylan, to take possession of the brig *Retrieve* and transport troops from Galveston to Live Oak Point.<sup>21</sup>

While all of said matters were in progress, the western frontier was being protected without any fanfare by Colonel John C. Hays' ranger force at San Antonio and Captain Ewen Cameron's spy company at San Patricio. Cameron was aided by Captain Price's small company, which often was an auxiliary to the Scot's frontiersmen. After the killing off of Colonel Carnes and some of his toughest Cowboys, the Refugio County military organizations were reorganized and merged into a company with Cameron as captain, John R. Baker, as first lieutenant, and Alfred Allee, as second lieutenant. Members of the company, as reorganized, included these: John White Bower, Patrick Bray, James Burke, Bradford Brush, Gilbert R. Brush, Michael Cahill, Israel Canfield, Jr., John L. Cash, Henry Clark, William Clark, Matthew Cody, James B. Collinsworth, Thomas Colville, William Davis, Edward Drew, Jeremiah Findley, Edward Fitzgerald, John Fitzsimmons, James Fox, John Fox, Michael Fox, Jerry Lehan, Walter Lambert, (William) Gideon K. Lewis, George Lord, Patrick Mahan, McAully, John McDaniel, John W. B. McFarlane, John McMullen, Adam Mosier, Benjamin F. Neal, Mor-

<sup>14</sup> Williams, *Writings of Sam Houston*, II 498-499, 534-535; Yoakum, *History of Texas*, II, 355.

<sup>15</sup> Williams, *Writings of Sam Houston*, II, 499-500.

<sup>16</sup> Williams, *Writings of Sam Houston*, II, 504-505; III, 51-52.

<sup>17</sup> Id. II, 509-510, 511.

<sup>18</sup> Id. II, 537-538.

<sup>19</sup> Id. III, 26-32.

<sup>20</sup> Id. III, 44, 45-46. See also, 49, 56-57, 60-61, 62, 68-69, 99.

<sup>21</sup> Id. III, 70.



gan O'Brien, Thomas O' Connor, Daniel O'Driscoll, Joseph E. Plummer, James Power, Jacob Rupley, William R. Rupley, Bartlett Smith, Charles Smith, Joseph F. Smith, Edmund St. John, Edward St. John, James St. John, William St. John, John R. Talley, Thomas Tatum, Henry D. (Legs) Weeks, Henry Whelan, Michael Whelan, Alfred S. Thurmond, Pulaski A. Thurmond, Robert W. Turner, Alvin E. White, Levi Williams, James Wilson.

Many other Refugees undoubtedly served with this organization. President Houston, on May 5, ordered Captain Ephraim McLeon to go to the San Antonio River to raise a spy company among the settlers there. However, this order was never executed.

After General Albert Sidney Johnston had gone back to the capital, Colonel Clark L. Owen was given complete command at Victoria, with power to take such measures for the safety of the area as he might deem advisable, including the ordering of martial law. He issued an order requiring all Mexicans living west of the Lavaca to retire, either east of the Lavaca or west of the Nueces, for the duration. This order was rigorously enforced, with few exceptions. Many Mexican families went to the Rio Grande and never returned.<sup>22</sup>

General James Davis, after assuming command at Corpus Christi, moved his army and headquarters up the Nueces River to the vicinity of old Lipantitlan. Cameron's and Price's ranger companies joined the Texian volunteer army at the Nueces.<sup>23</sup> Davis' army was composed for the most part of "immigrant" volunteers from the United States. These were not of the same high type of manhood that had come to aid the colonists in 1835 and 1836. They were a rollicking, boisterous, drunken lot, given to insubordination and sedition, and were the bane of Davis' existence. Davis' force soon began to dwindle by desertions and otherwise until by June, 1842, only 150 of the original force remained. This remnant consisted principally of Texians. At the time of the Battle of the Nueces, Davis' total force numbered 192 officers and men, including the two local ranger companies.

General Davis and his army are not pleasantly remembered by the old citizens of Refugio County. Davis upon his arrival at Corpus Christi had found the army disorganized and short on provisions. He appointed a quartermaster, who rode over Refugio County, impressing cattle and food stuffs. The citizens of Refugio County

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<sup>22</sup> Philip Power, *Memoirs*.

<sup>23</sup> See 28 Q 309-310.

circulated a petition, dated May 13, 1842, protesting against these acts.<sup>24</sup>

Sometime in June, 1842, Captain Cameron was informed by Colonel Kinney that General Antonio Canales, the former Federalist general-in-chief, but now an officer in the Mexican regular army, was preparing to leave Matamoros for a descent on the Texian camp on the Nueces. Canales, as has been seen, knew this area well, and hoped to take the Texians by surprise. Cameron well knew the tricks and methods of his old commander, and began taking steps to give him a warm reception. It might be here stated that a fierce hatred now existed between the two men.

Cameron and Price assembled their respective companies, which had become somewhat scattered, and recruited a number of Refugee citizens and had them at the Nueces in advance of Canales arrival. Cameron gave Davis the benefit of the information obtained from Kinney, as well as his experience with Canales. The Texians had been quartered under tents made of brush at a camp near Lipantitlan. When it was learned that the Mexican army was close at hand, Davis, acting on Cameron's advice, moved his men from their brush tents into a nearby ravine during the night of July 6. Canales had been informed of the old position, but not of the change. On the morning of the 7th he suddenly appeared at the old camp with 700 men and one piece of artillery, fully expecting to surprise and overwhelm the Texians. He launched a vigorous charge on the huts, and, to his chagrin, found them to be empty.

Canales finally located the new position in the ravine and attacked it but was repulsed with some loss. He then withdrew and sent a detachment of about 50 men to take the position. The detachment was repulsed and its leader killed. Canales, unpredictable as formerly, then, without any further attempt to dislodge the Texians, retreated, unmolested, to Matamoros. On his arrival there he heralded a great victory.<sup>25</sup> This was substantiated by possession of a stand of colors which had been accidentally left in camp by the Galveston company.

The Texian forces on the Nueces were disbanded shortly after this incident.

William Preston Stapp's version of the Battle of the Nueces is as follows:

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<sup>24</sup> *Petition of Michael Reilly, et al, May 13, 1842: Yoakum, History of Texas, II, 356.*

<sup>25</sup> *Yoakum, History of Texas, II, 355, 361-362; Brown, History of Texas, II, 217-218; Bancroft, North Mexican States, II, 357; Chabot, Corpus Christi and Lipantitlan, 63 et seq. (official Mexican accounts), Stapp, Prisoners of Perote, 17-18. Act for Relief of Volunteers who served in the year 1842 under General James Davis and Colonel Clark L. Owen, at Corpus Christi and Lipantitlan, December 3, 1850, G. L. III, 868.*

"These men [Davis' army] amounting to something less than two hundred, wholly unsupported, destitute of artillery, and encamped in the open prairie near the river [West side], unprotected by any form of works, elicited the attention of Canales, who regarding them as an easy prey, advanced to their capture or destruction, near the 8th day of the month of July. The Texans, advised of his approach abandoned their camp at the close of day, leaving their tents standing, and camp-fires burning, and retiring to a more secure station under the second bluff of the river, lay upon their arms during the night, ready to avail themselves of whatever advantages a night attack from the enemy might afford them. Though in the immediate vicinity of their camp with a force of near a thousand men, of cavalry and infantry, Canales, distrusting the deceitful quiet of the noiseless tents, and apprehensive of an ambuscade, permitted the night to wear off without any attempt to molest them. Early on the following morning, as a party of the Texans were bringing off some provisions and cooking utensils from the tents, a combined assault was made upon them by the whole Mexican force, aided by the fire of several pieces of artillery, so disposed as to rake the encampment. The party in quest of provisions reached their comrades in safety, disclosing his mistake to the Mexican leader; who immediately reversing his order of battle, bore down upon Davis and his men with equal fury he had just bestowed upon the empty camp. The Texans received him with characteristic coolness and reserve, waiting until his lines approached within fifty or sixty yards, when a volley from their unerring rifles emptied a score or two of saddles and drove the broken infantry some distance to the rear of their artillery. Here they remained formed out of reach of rifle-shot, directing their harmless cannon against the Texans, who advancing in platoons after each discharge of their guns, shot down the men who served them, and regained their cover, before a second discharge could be brought to bear on them. The engagement lasted in this form for something above an hour; when the Mexicans began a disorderly retreat, covered by their cavalry, whose superior numbers checked any attempt at pursuit."<sup>26</sup>

James Grant, who had a ranch on both sides of the Guadalupe near Mesquite Landing, and at the time of his death was a citizen of Refugio County, was appointed agent of the Republic of Texas, to the Lipan Indians, on August 15, 1842.<sup>27</sup>

About the first of September, 1842, Captain Cameron received

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<sup>26</sup> Stapp, *Prisoners of Perote*, 17-18.

<sup>27</sup> Williams, *Writings of Sam Houston*, III, 146.

*Estate of James Grant*, Probate Records of Victoria County. See deeds from Fielding Jones, admr. to Peletiah Bickford, A. S. Thurmond, et al. Deed Records, Refugio County.



word from Colonel Kinney, that General Adrian Woll with a Mexican army of 1400 men had left the Rio Grande, headed for San Antonio, and that General Antonio Canales was getting ready for another demonstration against the Nueces.<sup>28</sup> In view of the latter part of the information, Cameron and Baker mustered their ranger company but remained in their own section of the republic.

General Woll appeared at San Antonio at daylight of Sunday, September 11. Some of the citizens put up a fight, but they soon surrendered. Woll arrested everyone he found in San Antonio who had been active in aiding the Federalists, 1838-1841.<sup>29</sup> Included among the prisoners were Judge Anderson Hutchinson, district judge, and George Blow, district attorney, of the Refugio district. Governor James W. Robinson, former district judge, then practicing law at Aransas City, William E. Jones, later district judge, and Andrew Neill, later district attorney, of the Refugio district. All of these lawyers, it will be remembered, had taken a leading part in the Federalist meeting at Victoria, a few years before.<sup>30</sup>

When it was learned by Cameron that Canales had turned back and abandoned his part of the expedition, Captains Cameron and Baker immediately took their ranger company, then numbering 40 men, to the environs of San Antonio, where they joined forces with Captain John C. Hays, in whose company several Refugio citizens were then serving.<sup>31</sup>

The Texians, who were now assembling from all parts of the republic, established their position on the east bank of the Salado Creek about six miles northeast of San Antonio. On September 18 they sent a scouting party almost to the gates of the Alamo, to taunt the Mexicans and challenge them to come out to fight. Woll accepted the challenge and followed the scouting party to the Salado. The Historian John Henry Brown, who participated in the battle, thus describes it:

"About one o'clock p.m. General Woll, with eight hundred infantry and two pieces of artillery, arrived on the ground. He formed his infantry on the hill-side, fired two rounds of grape and canister, then advanced in slow but good order. A general feeling of enthusiasm prevailed. Very soon the enemy sounded the bugle, commenced firing rapidly and rushed to the charge, but soon well aimed *rifles* of the Texians checked their advance.

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<sup>28</sup> Brown, *History of Texas*, II, 232.

<sup>29</sup> Yoakum, *History of Texas*, II, 363-364; Brown, *History of Texas*, II, 222-224; Wortham, *History of Texas*, IV, 96-97; Bancroft, *North Mexican States*, II, 357-358; Thrall, *History of Texas*, 321-322; Chabot, *Perote Prisoners*; Huson, *District Judges of Refugio County*; Huson, *Iron Men*.

<sup>30</sup> Huson, *District Judges of Refugio County*, 25-29, 30-33, 44-52, 53-54, 55-61, 62-68; Chabot, *Perote Prisoners*.

<sup>31</sup> Brown, *History of Texas*, II, 223.



Here, there and everywhere the enemy fell rapidly either killed or mortally wounded. After a desperate struggle of some twenty minutes the enemy fell back under the protection of their guns. At the same time, Vicente Cordova, the Mexican rebel from Nacogdoches, with forty Cherokees, a few renegade Mexicans and Carrizo Indians, attacked our guard and right flank at the mouth of a ravine running at an acute angle into the creek and somewhat enfilading the Texian line. Lieutenant John R. Baker with a small detachment [of Refugians] rushed into a hand-to-hand fight with the enemy in the ravine and soon drove them out. At that moment Cordova stood on the opposite bank cheering his men, when Private John Lowe,\* of Bird's Company, about ninety yards distant, fired diagonally across the Texian right front and shot that brave but misguided old chief through the heart. Several charges, not so vigorous as the first, were subsequently made and gallantly repulsed. Late in the afternoon Woll reformed his men on the ridge and there remained until about sunset. . . . About sun down General Woll, rejoined by the cavalry and their ten prisoners, retired to San Antonio—employing about sixty carts in bearing away most of his wounded and some of his dead.”<sup>32</sup>

Judge J. Frank Low, of Refugio, a grandson of John Low, a prominent citizen of Refugio County states:

“When General Woll captured San Antonio in September, 1842, John Low was stationed at Gonzales as a member of Captain Hay's Rangers. This command moved to San Antonio as soon as they heard of Woll being there. They went into camp near a small creek in the vicinity of San Antonio, and, anticipating that the Mexicans would come out to meet them, erected their tents in the low banks of the stream, but took up a position on the bluffs. The Mexicans moved quietly up, thinking to take the Texians by surprise, and, believing them to be in their tents, fired a hot volley into the tents. Much to their surprise, Captain Hay's Rangers fired at that time from the bluff. This was the Battle of the Salado, which was fought September 18, 1842.

“In that battle, Vicente Cordova was killed and John Low has been credited with firing the shot which killed him. . . . As I remember hearing the accounts, Cordova was very conspicuous in the battle and John Low, who was an expert rifleman, asked permission of Captain Hays to circle himself to a point where he could get a good bead on Cordova. The permission was granted and Low circled around and got the bead on him and fired a shot which pierced Cordova from one side to another, killing him instantly. The Mexican soldiers pounced on his dead

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<sup>32</sup> Brown, *History of Texas*, II, 224-225, 227.

body immediately and stripped it of all clothing, leaving the corpse naked on the prairie. Cordova was said to have been almost white.”<sup>33</sup>

Among those who went with Cameron to San Antonio and not generally members of his ranger company were Joheph F. Smith, Alfred S. Thurmond, Thomas S. Tatum, Alvin E. White, Gilbert R. Brush, James Burke, Levi Williams, Henry Whelan, Edward Linn, John Scott, John L. Cash.

John Shearn, a Refugio colonist, then living at Houston, was in the Battle of the Salado. Creed Taylor and James Taylor, of Cameron's Company, were wounded in the fight.

General Woll began his retreat from San Antonio on the morning of September 20, taking with him the judge, attorneys, court attaches, and many of the citizens of San Antonio. These became among those known as the *Perote Prisoners*.

Many volunteers had now assembled at San Antonio, and several units of militia shortly arrived. President Houston appointed General Alexander Somervell to command all forces at San Antonio, and he presently assumed command.

Somervell's army after a long delay marched to the Rio Grande, being guided by Young Flacco, son of the famous Lipan chief of the same name. Young Flacco was killed by the enemy at a ranch on the Rio Grande.<sup>34</sup> The Texian army reached Laredo on December 7. On the 14th the army crossed the Rio Grande and took possession of the town of Guerrero, the old home of Bernardo Gutierrez de Lara and of Colonel Antonio Zapata. a levy of supplies was made on the town. On December 19, Somervell read an order to retreat to the Texas side of the Rio Bravo. This order caused a furore on part of many of the men who desired to be led into Mexico. About 300 of the Texians refused to comply with the order and organized what is known as the Mier Expedition. The bulk of Somervell's troops obeyed the order and returned to their homes.

Among the Refugio citizens who went with Somervell to the Rio Grande but obeyed the order to return were Michael Fox, John Fox, Edward Linn, John Shearn, John W. B. McFarlane, Benjamin F. Neal, Dr. Pulaski A. Thurmond, Michael Whelan, William Clark.

Among Refugians, past, present and future, who joined the Mier Expedition were:

Captains Ewen Cameron and John R. Baker (the latter then being sheriff), Israel Canfield, Jr., (then district clerk), William Davis

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<sup>33</sup> Hinson, *Saint Mary's of Aransas*.

<sup>34</sup> Brown, *History of Texas*, II, 236-237; Stapp, *Prisoners of Perote*.

(then constable), Alfred Allee, George W. Anderson, James Burke, Gilbert Russell Brush, William J. Cairns, John L. Cash, Henry Clark, Thomas Colville, Michael Cronican, John Fitzgerald, Jerry Lehan, (Wm.) Gideon K. Lewis, George Lord, Patrick Mahan, John McMullen (San Patricio), Adam Mosier, James H. Nealy, Michael O'Donnell, William R. Rupley, Joseph F. Smith, Thomas S. Tatum, William Thompson (San Patricio), James Turnbull, Robert W. Turner, Henry D. Weeks, Henry Whelan, James C. Wilson, Alvin E. White, Francis White, Levi Williams.<sup>35</sup>

William Preston Stapp, one of the historians of the expedition was not a Refugian, but at one time lived on the Coleta Creek.

The three hundred adventurers were organized into a regiment of six companies.<sup>36</sup> Company A was commanded by Captain Ewen Cameron with John R. Baker as first lieutenant. Israel Canfield Jr., was company adjutant. Baker is stated by Brown to have commanded a company, and by other writers to have commanded a spy company. Practically all of the Refugio men served in Cameron's company. Colonel William S. Fisher, who had commanded the Texian Auxiliaries in the final Federalist campaign, was elected leader of the expedition, with General Thomas J. Green in command of the "fleet" of barges. Not connected with the expedition, but assisting it in its first phases was Captain John C. Hays and his rangers, among whom was John Low, and probably other Refugians.

The expedition was organized in the vicinity of Guerrero on December 19. The next day it took possession of some flat boats below Guerrero. Some of the men navigated the boats, while others rode horseback down the Texas bank, leading the horses of the navigators. After a descent of three days the expedition found itself opposite the Mexican town of Mier, in the curve of the Alcantra River.

General Green relates: "The first night after our separation from the home troops, the boats stopped at a rancho, where we met the tribe of Carancawa Indians, who had just previously to that time committed some depredations upon our coast about Live Oak Point, and fled for fear of punishment. These Indians protested their innocence, pretended great friendship for us, and expressed a desire to return to Texas. It was thought prudent

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<sup>35</sup> Green, *The Mier Expedition*; Stapp, *Prisoners of Perote*, Wade, *Notes and Fragments of Mier Expedition*; Chabot, *Perote Prisoners*. Brown, *History of Texas*, II, 239-240; Philip Power, *Memoirs*; Huson, *Saint Mary's of Aransas*; George Lord, *The Battle of Mier* in Linn's, *Reminiscences*, 313, and in Wade, II, 125; Morris, *John R. Baker's Exploits in Galveston News*. Gideon Lewis v. Riggs, 9 Texas, 163. *Estate of John Fitzgerald*, Probate Minutes, R. C. Estate of Alvin E. White. Henry Wheilan.

<sup>36</sup> One of the companies was commanded by Captain William M. Eastland, who, on January 15, 1837, bought the William Anderson league in Refugio county, *Deed Records*. A, 55.



to disarm them to prevent their joining the enemy, and all their implements of war, quivers, bows, arrows, &c., and with them a British flag, which they doubtless pilfered from some English vessel on the coast, were taken and placed in the boats.<sup>36</sup> The Indians were given back their arms and countrements a day or so later.

On December 22, the expedition made a levy upon the town of Mier for a heavy contribution of munitions, food, tobacco, and clothing, which the alcalde promised would be forthcoming. The alcalde and the village priest were taken to the Texian camp as hostages, and the army recrossed the Rio Grande and went into camp. The camp was moved a little farther down the river the next morning. The supplies failed to show up.

"Captain Baker and his spy company had been kept upon the west side of the river during this time, and on the morning of the 25th captured a Mexican and sent him into camp, who, upon being examined, informed our commander, that after the requisition had been started down in compliance with the alcalde's order, the troops of General Ampudia and Antonio Canales had arrived and stopped them; that they numbered about seven hundred men, with two field pieces, and had taken a position upon the west bank of the river two miles below, to prevent our farther progress down. Upon receipt of this information a council of war was held, when it was *unanimously* agreed to cross the river and fight them. Our troops commenced crossing about 2 o'clock P.M., Captain Baker and his spies in advance. At 4 o'clock all was crossed over and ready to march, when a brisk fire was heard in the direction of the enemy's position. In a few minutes a courier arrived from Captain Baker, stating that two of his most efficient spies had been captured, Samuel H. Walker, of Galveston, and Patrick Lusk, of Washington, and that he was in a position which he would endeavor to maintain until he could be succored. Upon the receipt of this information a forced march was ordered to his relief, and upon our arrival in sight of the enemy they retreated rapidly in the direction of the city. Walker had proved himself a daring and efficient spy when General Woll occupied Bexar. After he was brought a prisoner into Mier, he was examined by General Ampudia as to our numbers, intention, &c., and told in advance by the general 'that if he told him a falsehood his life should pay the forfeit of it.' Walker replied 'that his life was in the general's hands, but that it was neither our habit or nationality to lie.' After Walker's telling him that our effective remaining force was about 300 men, General A. says, 'They surely have not the

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<sup>36</sup>/1 Green, *op. cit.* 73.



audacity to pursue and attack me in town.' 'Yes, general,' says Walker, 'you need not have any doubts upon that point; they will pursue and attack you in ———.'<sup>37</sup>

The small force of Texians indeed made good Walker's boast. During the night they readied themselves to assault Mier next morning, which was Christmas day. During the night Captain Baker's spy company and some of the boatmen were moved to the ford in the bend in the Alcantra below the town, on the opposite bank of which the Mexican cavalry had been concentrated. Baker's little company kept up a noisy demonstration to attract the enemy, while General Green explored the river for another crossing. The ruse was successful.<sup>37/1</sup>

During the darkness the Texians crossed the Alcantra and battled their way into the center of Mier. At noon victory appeared to be within their grasp. However, the Mexicans received heavy reinforcements, and the Texian loss in dead and wounded was considerable. Colonel Fisher was painfully wounded but did not relinquish command. He became as apathetic as when he had taken sick during the final Federalist campaign. The Mexicans sent out a white flag with the priest and some of the Texians who had been made prisoners. This party assured Fisher that all was lost and that the Texians were hopelessly trapped by superior numbers. Green charges that the white flag was the idea of Canales. To add to the confusion many of the Mexican officers walked over to where the white flag was and discoursed in a friendly manner with Fisher, whom they had known in the Federalist War. Fisher could not withstand the importunities of these former friends and the pain of his wounds. He agreed to confer with General Ampudia, and did so, with resultant agreement to surrender.

At least twenty-three of the Texians were so badly wounded that they could not be carried away, and the situation of Coleta repeated itself. Seven of Captain Cameron's "old company" were among the wounded. These included William R. Rupley and Henry D. Weeks. Both of these men eventually escaped from Mier. After a moment of hesitation Cameron declared himself opposed to surrender and declared that if as many as sixty would go with him, he would lead them in cutting their way out of town. Many volunteered to accompany him, but at this juncture Colonel Fisher returned from his conference with Ampudia and formed those able to stand for consultation. Fisher urged the men to agree to the surrender,

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<sup>37</sup> Green, *The Mier Expedition*, 79-80.

<sup>37/1</sup> Green, *op. cit.* 82-83.

concluding his address with the declaration that if they would not do so, he would nevertheless remain and die with them. He assured the men that if they surrendered, their lives would be spared and they would be kindly treated. Green remarks, "This speech was a death blow to all farther prospects of fighting."

The terms of capitulation were drawn up by Canales and were interpreted to the Texians by Jose Miguel Aldrete, who happened to be in Mier. (December 26) The Texians then stacked their arms in the *plaza* and were marched to houses in which they were kept prisoners. The wounded were taken to the church.<sup>38</sup>

The Texians had left a small camp guard on the Texas side of the Rio Grande. The Mexicans desired to take it into custody also. They accordingly sent a detachment to the river, which took several of the Texians who had been captured at Mier. These prisoners were instructed to call to their comrades in the camp and tell them to cross the river to go into Mier, with the representation that the Texians were victorious at that place. The prisoners did call across the river, but to tell the truth and to warn their comrades to flee for their lives. Among the Refugians in the camp guard who made their escape were Henry Clark and Michael O'Donnell.<sup>39</sup>

Among those killed at the Battle of Mier were Alvin E. White<sup>40</sup> of Aransas City, and Hank Kuykendall, an uncle of the late William Kuykendall of this county.

On January 14 the unwounded prisoners were marched out of Mier headed for Monterrey. Their cavalry guard was commanded by our old friend Manuel Sabriego, now a colonel in the Mexican army. The prisoners arrived at Monterrey on the 29th and were made comfortable. On the 2d February they were started for Saltillo. Here were added to their number several prisoners captured by General Woll at San Antonio the previous September. The prisoners were then marched for San Luis Potosi, and enroute arrived at the *hacienda del Salado* on February 10, 1843.

During the night the prisoners effected plans for escape. The next morning at a preconcerted signal, the prisoners, led by Captain Cameron, attacked their guard, which was breakfasting, and seized their arms. They then successfully attacked and got past the outer guards. Several of the guards were slain, and several of the Texians were killed or wounded. Captain John R. Baker was so badly wounded that he could not get away. The Texians got into the

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<sup>38</sup> Green, *The Mier Expedition*, 101-107.

<sup>39</sup> Escaped from Mier via San Patricio. Major Erath escaped via San Patricio to Goliad. Erath, *Reminiscences*, 27 Q, 48.

<sup>40</sup> *Estate of Alvin E. White*, Probate Minutes. R. C.

mountains but lost their way. After becoming starved and undergoing extreme hardships, they gave themselves up to their pursuers and were brought back to the *hacienda del Salado* on March 25. A few of the Texians, however, became lost in the mountains. Some of them were never heard of again. James B. Neely finally found his way to the Rio Grande, where he was picked up and brought back into Mexico.

As a punishment for their killing of the guards and their escape, Santa Anna, who was again President of Mexico, decreed that one of every ten of the prisoners should be shot. Alfred S. Thurmond was required to interpret the decree to his fellows.<sup>41</sup> As there were 173 prisoners, this meant that 17 of them had to die. The victims were selected by lot. Seventeen black beans and 156 white beans were placed in a jar, and the prisoners were compelled to draw from beneath a handkerchief placed on the top of the jar. Captain Cameron was personally hated by some of the Mexican officers, and he was compelled to draw the first bean. The black beans had been placed on top of the heap, in the hope that Cameron would draw one of them. However, the canny Scot delved deep and took a bean at random. It proved to be a white one. Among the Refugians who drew black beans were John L. Cash, Patrick Mahan and Henry Whelan. After the drawing had been completed, the irons were knocked off the seventeen holders of black beans, and the unfortunate men were marched into a separate court yard, where they were shot about dark the same day (March 25, 1843).

Green gives accounts of the last hours of some of our Refugians. John L. Cash said, "Well, they murdered my brother with Colonel Fannin, and they are about to murder me."

"Poor Henry Whaling [Whalen], one of Cameron's best fighters, as he drew his black bean, said, with as bright a look as ever lighted man's countenance, 'Well, they don't make much off of me, anyhow, for I know I have killed twenty-five of the yellow-bellies'; then demanding his dinner in a firm tone, and saying, 'they shall not cheat me out of it,' he ate heartily, smoked a cigar, and in twenty minutes after was launched into eternity! The Mexicans said that this man had the biggest heart of any they ever saw. They shot him fifteen times before he expired".<sup>42</sup>

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<sup>41</sup> Brown, *History of Texas*, II, 247. See also Stapp, 70; Bancroft, *North Mexican States*, II, 365-368; Wortham, *History of Texas* IV, 99-101.

<sup>42</sup> Green, *The Mier Expedition*, 172. *Estate of Henry Whelan, Deceased*, Probate Minutes R. C.

to the last, says that 'fifteen times they wounded that iron-nerved

"Our interpreter, who was permitted to remain with them soul, Henry Whaling; and it would seem that Providence had a special care in prolonging his existence, that he might demonstrate to his enemies the national character they had to contend with; for he gritted his teeth at and defied them in terms of withering reproach, until they placed a gun to his head and blew his brains against the wall.' Such was the effect of this horrible massacre upon their own soldiers, who were stationed as a guard upon the wall above, that one of them fainted, and came near falling over, but was caught by his comrades."

"Captain Cameron, in taking his leave of these brave men, and particularly of Turnbull, a brother Scotchman, with whom he had been in many dangers, wept bitterly, and implored the officers to execute him and spare his men."<sup>43</sup>

The next morning the surviving prisoners were marched out of the *hacienda* on their way to San Luis Potosi. Stapp says, "As we left the shambles of the Salado, we caught a mournful glance of the mangled bodies of our comrades. Their stiffened and unsepulchred bodies, weltering in blood, lay where they had fallen."<sup>44</sup> Captain Cameron and Alfred S. Thurmond were manacled together. Captain Baker, who was desperately wounded, was put in a rough cart with the other wounded.<sup>45</sup>

The caravan continued its tortuous trek, until on April 24 it arrived at the village of Huehuetoca, about seven leagues from the City of Mexico. Here they were met with a messenger, bearing an order from Santa Anna for the execution of Captain Cameron. Stapp tells us, "The ill-starred Cameron, who had already shared the risks of the cruel and perilous lottery at Salado, was awakened here at a late hour of the night from the pallet on which he slept, and being hurried half naked into a distant room, was unceremoniously informed he was to be shot next morning, without any explanation being assigned him." He was notified of his fate through Alfred S. Thurmond, who was chained to him, and acted as interpreter. Some accounts state that Cameron was chained to Colonel William F. Wilson. All accounts agree that he was unchained from his partner, and he, Wilson and Thurmond were separated from the other prisoners and placed under heavy guard. During the night Cameron

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<sup>43</sup> Green, *The Mier Expedition*, 173-174; Yoakum, *History of Texas*, II, 375-378; Brown, *History of Texas*, II, 245-248; Stapp, *Prisoners of Perote*, 72-74.

<sup>44</sup> Stapp, *Prisoners of Perote*, 75.

<sup>45</sup> Green, *The Mier Expedition*, 177.



wrote a letter of protest to the British minister. Continuing with Stapp's account, "His irons were replaced, and a strong guard set over him to intercept all communication with his comrades from without. The indignant murmurs of our men at this double perfidy and brutality broke out next morning (March 25) when paraded for the march, notwithstanding the gratuitous assurance from the Mexican officers that this was the last victim demanded. Desperate suggestions were whispered of a rescue; and the Mexican commander, apprehending the worst the dastardly deed deserved, pushed on with us, leaving Cameron in the hands of his assassins. The execution took place some hours after we left . . ."<sup>46</sup>

Green continues:

"The next morning, after our men were marched for the city of Mexico, he was taken out in the rear of the village to the place of execution. A priest, the usual attendant of Mexican executions, was in waiting, and when he was asked if he wished to confess to the father, he promptly answered, 'No! throughout life I believe that I have lived an upright man, and if I have to confess it shall be to my Maker.' His arms were then tied with a cord at the elbows and drawn back, and when the guard advanced to bandage his eyes, he said to the interpreter, '*Tell them no! Ewen Cameron can now, as he has often done before for the liberty of Texas, look death in the face without winking.*' So saying, he threw his hat and blanket upon the ground, opened the bosom of his hunting-shirt, presented his naked breast, and gave the word, 'Fire!' when his noble soul in a twinkling passed into another, we trust a better world. Thus fell Ewen Cameron! Long, long will the patriotic of his adopted country cherish the memory of one whose bosom was bared to every danger, and whose life was sacrificed to liberty."<sup>47</sup>

The estates of Cameron and Whelan were administered in Refugio County, Daniel O'Driscoll being the administrator of each.<sup>48</sup>

Of the Refugians who were in the Mier Expedition all were eventually released, excepting, of course, those who were killed or died in Mexico. In addition to those already named as having been killed, George Anderson was lost in the mountains after the break from Salado and was never again heard from; James Burke, Thomas Colville died in Castle Perote. William J. Cairns (Karnes), whose

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<sup>46</sup> Stapp, *Prisoners of Perote*, 81-82.

<sup>47</sup> Green, *The Mier Expedition*, 284-286; Brown, *History of Texas*, II, 248; Yoakum, *History of Texas*, II, 377-378. Chabot, *Perote Prisoners*, 203-204; Bancroft, *North Mexican States*, II, 368; Wade, *Notes and Fragments of Mier Expedition*. Thrall, *History of Texas*, 328-332.

<sup>48</sup> Probate Records of Refugio County.

name does not appear in orthodox lists of Mier men, appears to have been a member of the expedition, and died or was killed in Mexico.<sup>49</sup>

The Mier Expedition has been criticized by many as a foolhardy enterprise of three hundred rash but daring soldiers. There is little doubt that the carnage at the Battle of Mier on the Mexican side was terrific. It is significant that the Woll raid was the last purely military raid ever made by the Mexicans against the Texas Republic. Thus the Mier Expedition may have been fruitful of beneficial results.



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<sup>49</sup> *Estate of William J. Cairns*, Probate Minutes, R. C.

For dates of releases or escapes, see Wade, *Notes and Fragments of Mier Expedition*, Vol. I. and Brown, *History of Texas*, II, 249-253. See also Huson, *District Judges of Refugio County*, for biographies of judges who were Perote Prisoners.

The Fate of Refugees in the Expedition was as follows:

Alfred Allee, released September 16, 1844; George Anderson, escaped February 11, 1843; John R. Baker, released September 16, 1844; John Brennan, released September 16, 1844; Gilbert R. Brush, released September 16, 1844; James Burke, died February 20, 1844; Ewen Cameron, killed March 25, 1842; Israel Canfield, Jr. released March 5, 1844; John L. Cash, killed March 25, 1843; Thomas Colville, died; Michael Cromican escaped December 26, 1842; William Davis, released September 16, 1844; John Fitzgerald, escaped; William J. Karnes, Jerry Lehan released March 14, 1844; Gideon Lewis released September 16, 1844; George Lord, released September 16, 1844; John McMullen released September 16, 1844; Patrick Mahan, killed March 25, 1843; Adam Mosier, released Sept. 16, 1844; James H. Nealy, released Sept. 16, 1844; Wm. R. Rupley escaped December 26, 1842; Joseph F. Smith released Sept. 16, 1844; Thomas S. Tatum, released; Wm. Thompson, escaped; Alfred S. Thurmond released Sept. 16, 1844; James Turnbull killed Sept. 16, 1844; Henry Whalen, killed Sept. 16; Alvin E. White killed Dec. 26, 1842; Francis White released Sept. 16, 1844; Levi William released Sept. 16, 1844; James Wilson released Sept. 16, 1844.


(Note)

*Miscellaneous Legislative Acts*

Act for relief of Texans captured by Woll, January 16, 1843, G. L. II, 856. Act exempting Mier prisoners from taxation, January 13, 1844, G. L. II, 929. Act providing for court martial of all persons in arms against Texas since Vasquez raid, January 31, 1844, G. L. II, 961. Act exempting property of Mier prisoners from forced sale, February 2, 1844, G. L. II, 979. Act for relief of Texian prisoners in Mexico 2-5-44 G. L. II, 1028. Act for relief of persons captured at San Antonio in 1842, February 11, 1850, G. L. III, 627. Act for relief of John R. Baker, February 9, 1850, G. L. III, 761 Act for relief of Wm. R. Rupley, et al, August 18, 1856, G. L. IV, 137.

## CHAPTER XXVI

### COLLAPSE OF LOCAL GOVERNMENT

 THE POLITICAL and economic structure of Refugio County succumbed to the incessant warfare waged within her borders between 1837 and 1843. The years 1843 to 1845 are therefore, silent years in her history. Edmond St. John relates his own experiences, which were common to most of the citizens of the same period: "In the spring of 1836 we were compelled to leave by the advance of the Mexican army. I left and did not return until 1841 to the town of Refugio. I was robbed the same year by a band of Mexican robbers in the pay of the Mexican government. The robbers who took several of the citizens prisoners, took off and destroyed a great many valuable papers (the archives) scattering over the prairie what they did not take along with them. I was again forced to abandon the place on March 5, 1842 by the advance of Woll's (Vasquez) army and did not return until October 1845."<sup>1</sup>

After the Vasquez raid, of March, 1842, the county officials again moved their offices to the Carlos Ranch, where they remained indefinitely.<sup>2</sup> From that time on the officials were in the saddle or in army camps, the same as practically all other able-bodied men of the county. Practically all of them went with Cameron and Baker to San Antonio, in September, 1842. Most of them remained there during the fall and winter and accompanied Somervell to the Rio Grande. The sheriff, constable and district clerk, joined the Mier Expedition and as a consequence spent more than a year in Castle Perote. The district judge and the district attorney, captured at San Antonio, were also prisoners in Perote.

From April 10, 1843, until August 4, 1845, no meetings of the commissioners or other transactions are entered on the minutes. At the meeting of April 10, 1843, only Chief Justice Neal, Justice Edward St. John, and County Clerk John W. B. McFarlane were in attendance. The minutes of the county court and the probate court are also devoid of entries during the same period.<sup>3</sup> The state

<sup>1</sup> Depositions of Edmond St. John, in *Town of Refugio v Byrne*. See also depositions of Edward McDonough, Sabina Brown, Thomas O'Connor and Edward St. John, in same case.

<sup>2</sup> *Sevier v Teal*, 16 Texas, 371.

<sup>3</sup> *Minutes of Commissioners Court*, R. C.

register of elections fails to show any election of county officers for our county between 1842 and 1845.

Lindley, however, states that John White Bower was elected Chief Justice of Refugio County at an election held on October 4, 1843.<sup>4</sup> The Deed Records show several recordings by John W. B. McFarlane as county clerk in 1843, 1844, and 1845.

John J. Linn states, "When the people of Refugio and Goliad, on the Texas side of the Revolution, retreated in 1836, some went out of Texas and very few returned to their old homes until 1838, 1839 and 1840, being deterred by Indians as well as Mexicans. Some who had returned retreated again in 1841, and they generally retreated on the invasion by Woll in 1842. For some years afterwards the settlers returned gradually, until most of them got back by 1846 or 1847. *During sometime the people of Refugio had their law business done at Victoria by special law.*"<sup>5</sup> It has been generally believed, as stated by Linn, that Refugio County was annexed by Victoria for judicial purposes after the collapse of local government in the former county. However, a painstaking search and inquiry has failed to discover the special law referred to by Colonel Linn.

Of the county court elected in 1842, Jose Miguel Aldrete went to Mexico. He will be remembered as having served as Ampudia's interpreter at the surrender at Mier. Gideon R. Jaques appears to have left the country and never returned. What became of Matthew Cody is obscure. He was in the county a few years later.

Not only was the town of Refugio area unsafe, but by 1842 the Live Oak Peninsula began to bear the brunt of Indian depredations. As we have seen the Karankawa Indians pillaged Live Oak Point that year. By Act of February 2, 1842, the Congress required the removal of the custom house from Aransas City.<sup>6</sup> However, it does not appear to have been removed permanently from that place.

During this dark period of our county's history many of its citizens moved to Victoria. Already at that town were numerous Refugian families, who had gone there in 1836 and had never moved back to this county. Among the Refugians living at Victoria between 1842 and 1846 were Robert Carlisle, Catalina Duggan, John & Michael Duggan, Joshua Davis, John Pollan, John C. Allen, Daniel O'Donnell, Daniel Fox family, Joel T. Case, Daniel O'Dris-

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<sup>4</sup> Lindley, *Biographical Directory*, 54-55.

<sup>5</sup> Depositions of John J. Linn in *Town of Refugio v Byrne*

<sup>6</sup> G. L. II, 771.



coll, Robert Patrick Hearn, Phoebe Crain, Edward McDonough,<sup>7</sup> O'Toole, John Keating, Bridget O'Boyle (1836).

Several Refugio families moved to Fort Bend County. Among these were Elkanah Brush and one branch of the Burke family.<sup>8</sup> The Quinns, Shearns, Doyles, Arochas, and others were living at Houston or at Harrisburgh. Dr. Bracht, when he visited Victoria in 1845, found many Refugio colonist families still there "waiting to return to their homes."<sup>9</sup> At other places were:

William Anderson at Mina, John Bowen at Galveston, Thomas Galan, W. E. Howth, Santiago Serna, Maria Josefa Travieso, and Jose Ma Valdez at Bexar; C. J. O'Connor, Dennis O'Connor Brazoria, Lewis Ayer, Rosa Brown, James Collyer, Andrew Devereaux, John Dunn, Martin Lawler, William Redmond, — — Ryan, John Smiley, Nathaniel Townsend at New Orleans, John and Patrick Shelly, in Louisiana, James Bray at Mobile, Thomas Mullen, William Langenheim at Philadelphia; Ann Kelly, widow of John, at Charleston, S. C.; Michael O'Donnell, Michael O'Boyle, Daniel Fox, Sr., Daniel and John Garrett, Francisco de la Garza, were on the Rio Grande (Texas side).

The Indians were especially troublesome during these silent years of the county's history. The two Lipan chiefs, Flacco, the elder, and Flacco, the younger, and generally, Chief Castro, had been stabilizing influences among the coastal Indians. Young Flacco was killed in the early part of 1843, while acting as a guide to Somervell's army on the Rio Grande; and a few months later his father, old Chief Flacco, was treacherously killed by his white partner. The venerable Chief Castro died of natural causes about the same period.<sup>10</sup> The deaths of these three enlightened chiefs was a great misfortune to the whites.

After the passing of these chieftains it was found necessary to negotiate a new treaty with the Lipans. Negotiations were had in the then Refugio County. General Edwin Morehouse was one of the Texian commissioners, and Chiefs Ramon Castro and Capitan Chico acted for the Lipans. Joseph F. Smith, who had been recently released from Perote, was one of the witnesses to the treaty.<sup>11</sup>

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<sup>7</sup> Philip Power, *Memoirs*. See *Estate of Joshua Davis*, and *Estate of Robert Patrick Hearn*, Probate Records of Victoria and Refugio counties; also, Rose, *History of Victoria*.

<sup>8</sup> Wharton, *History of Fort Bend County*.

<sup>9</sup> Bracht, *Texas in 1848*.

<sup>10</sup> See page —, ante, Green, *The Mier Expedition*, Stapp, *Prisoners of Perote*; Wilbarger, *Indians Depredations in Texas*.<sup>10</sup>

<sup>11</sup> G. L. H., 1191.

The Karankawas, although reduced in numbers, began to be again active. They migrated from place to place, between the Guadalupe and the Rio Grande. In 1843 or 1844 a band of these Indians established themselves west of the Nueces and started out on a wild orgy of cattle stealing and plundering. Captain Rafael Aldrete organized a ranger company, composed for the most part of *rancheros* along the Nueces, and sought out the Indians. He came upon them at a point about 50 miles southwest of Corpus Christi and attacked and inflicted heavy loss upon them.<sup>12</sup> The Indians then moved back to their old haunts along the San Antonio and Guadalupe Rivers.

Captain John F. Kemper was killed by the Karankawa Indians at his ranch, which was situated at the point now known as Kemper City. This tragedy occurred between October, 1844, and January, 1845.<sup>13</sup>

John J. Linn relates:

"From Mr. Gus Black, who was then a small boy, I learned the following particulars. The Carankuas had their camp on the east side of the Guadalupe, on the outskirts of the timber and near the residence of Mr. Black, to whose family they never offered any violence. Mr. Kemper had a number of cattle in a pen, for what purpose is not known. The Carankuas were out on a hunting frolic, and came to the pen of cattle. They seated themselves upon the railpen, and occasionally would aim an arrow at a cow in the pen, without, however, letting it fly. Kemper came out of the house and ordered them away in an angry manner; and upon their refusing to comply he returned with a double-barrelled shot gun, but no sooner had he brought it to his shoulder with the intention of shooting than the Indians let fly a cloud of arrows at him. One pierced a vital part, and he fell in the doorway of his house, a corpse."<sup>14</sup> In his *Border Wars*, DeShield states that at the time of the attack, Mrs. William P. Miller, mother of Mrs. Kemper, was in the house, and that when Captain Kemper fell, Mrs. Miller pulled the arrow from the mortal wound, and that Kemper expired a few minutes thereafter. He continues, "The Indians came about the house, not venturing, however, in front of the only door. Mrs. Kemper

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<sup>12</sup> Wilbarger op. cit.; De Shields, *Border Wars*.

<sup>13</sup> Linn gives the date as in 1842, however, Kemper made a personal appearance in the District Court of Victoria County, at the October Term, 1844 in Cause No. 295, *Corporation of Victoria v Wigginton*. Administrator proceedings were granted on Kemper's estate, January 27, 1845. (Courtting of Victoria County Abstract Co.) See also *Eliza Kemper, Adm. v Town of Victoria, S. Texas*, 135. De Shields, *Border Wars of Texas*, 392-393, gives date as November, 1845. The tragedy probably occurred in November, 1844.

<sup>14</sup> Linn, *Reminiscences*, 335-336.

fired a gun at them once through a crack between the logs, but was ignorant as to the effect of the discharge. About dark the red devils procured a quantity of dry moss, which they placed under the floor and fired. Mrs. Kemper raised a plank and Mrs. Miller extinguished the flames by pouring on them a pail of water. They then left the house, and with the timber for a guide, proceeded to the residence of Mr. Alonzo Bass, on the Calito [sic] about twelve miles distant, arriving at 3 o'clock in the morning. Their mournful flight was through a dark, rainy night—and later accompanied by a fierce norther. The party that went down the next morning to inter the remains of Capt. Kemper, found the house robbed of all articles esteemed of value by the savages. Feather beds were emptied of their contents and the crockery was all broken. Upon their departure, the fiends laid a brand of fire upon the breast of their victim, the significance of which is left to the elucidation of those more conversant with the lore of the aborigines.”<sup>15</sup>

The Linn account concludes, “The Carankuas were frightened at the consequences certain to follow this rash act, and anticipated the vengeance of the whites by seeking safety in flight. They returned to the camp in the neighborhood of Mr. Black’s home, and, taking only the most portable objects, started, it is believed, for the Rio Grande. ‘Their lodges,’ says Mr. Gus Black, ‘long stood just as they left them’.”<sup>16</sup>

Captain Kemper married a daughter of Major William P. Miller prior to the Texian revolution, and came with his father-in-law to Texas as captain of the artillery company in Miller’s battalion, and was captured at El Copano.<sup>17</sup> Kemper’s Bluff and Kemper’s Island are named for him.<sup>18</sup>

These deplorable conditions once more attracted Congressional notice. By act of January 16, 1843, provision was made to protect the western and southwestern borders. Section 17 provided that “martial law is declared from the Rio Frio and the Nueces to the Rio Grande during time hostilities exist between Texas and Mexico”.<sup>19</sup> On the same day the services of a Spy Company on the Southwestern frontier were accepted.<sup>20</sup> On June 15, 1843, an

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<sup>15</sup> DeShields, *Border Wars of Texas*, 392-393.

<sup>16</sup> Linn, *Reminiscences*, 335-336.

<sup>17</sup> DeShields, *op. cit.* 392.

<sup>18</sup> *Act February 8, 1860*, G. L. V, 196, legalizing locations on Kemper’s Island, in the Guadalupe River. As an early ferry was established at Kemper’s Bluff.

<sup>19</sup> G. L. II, 846.

<sup>20</sup> G. L. II, 865.



armistice was agreed upon between Texas and Mexico,<sup>21</sup> but this did not lessen troubles with Indians and lawless elements.

On January 23, 1844, Captain John C. Hays was authorized to raise a company of 42 mounted gunmen to act as rangers on the southwestern frontier. It was specially provided that said company shall range on said frontier "from the county of Bexar to the county of Refugio, and westward as the public interest may require."<sup>22</sup> On the 31st an act was approved providing for the court martialing of all persons who were in arms against the Republic since the Vasquez raid.<sup>23</sup>

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<sup>21</sup> A somewhat variant account of the death of Captain Kemper was related by Hon. Edwin Phelps to W. H. Crain, of Victoria, who wrote the author on September 5, 1943, as follows:

Mr. Phelps when he told me the story of the killing of John F. Kemper, and the subsequent annihilation of the 16 Indians as told him by Mr. Whalen, one of the 12 Irishmen, was as follows:

That one morning these 16 Indian bucks came to the Kemper place, and with their arrows killed Kemper's cow. Kemper stepped outside of his log cabin, having his musket with him, but before he could fire the Indians shot him to death with their arrows. Kemper's mother-in-law, Mrs. Miller, was there. She jumped outside, grabbed the musket, and got back into the cabin without being harmed. Her daughter, Mrs. Kemper had two children, a boy 5 years old, and a girl 3 years old. I do not remember the boy's name, but the girl was named Amanda J. Kemper. The two women stood the Indians off all day. The Kemper cabin was located on a narrow bluff which extended from the banks of the Guadalupe River (at that point almost at a 45 degree angle to the water, and about 25 feet high, and about a third of a mile long before it widened out into the bluff proper. At its point on the River it was not much over 150 feet wide, and at its base about a quarter of a mile wide. To the South of this neck or peninsular of land was Bellas Lake, which was a swamp and lake combined; to the North was a Cypress swamp. On the West bank of the Guadalupe River for about 25 feet the land was somewhat higher than the swamp.) As evening fell the Indians got together some distance towards the base of the peninsular to eat their evening meal; evidently concluding that the women could not escape. The women cried up one of the punchcans, forming part of the flooring of the cabin, and got out of the cabin that way. The two women and the little boy and little girl were crawling through the weeds. The Indians had a dog and he came running toward them, but the Kemper's also had a dog and he met the Indian's dog; the dogs fought, and the Kemper dog whipped the Indians' dog. The Indians evidently thought that it was just a dog fight. Mrs. Miller and Mrs. Kemper, together with the children, went up the river and managed to get to the house of a man named Bass on the Coletto Creek, which was approximately where the Warden ranch house was afterwards located. It was about eight miles from Victoria.

Word got to Victoria, and a number of Victoria men went down to Kemper's Bluff. The Indians had gone down the River. The Victoria men sent word to the Irish colonists on the San Antonio River and in that neighborhood. Twelve of the Irish settlers followed the Indians down the river, but when they got near the mouth of the river they found that the Indians had crossed over to an island formed by the North fork and the South fork of the Guadalupe River. They sent to Copano Bay for a skiff. When it came, late in the afternoon, they put it in the water, and old man Larry and old man Whalen were detached to guard it. Old man Whalen told Mr. Phelps that sometimes after midnight he told Larry to go to sleep, that he would watch. He said that it was getting daylight and the skiff was there; he looked across the river, and saw nothing to cause him any alarm so he thought he would take a few winks, which he did. "And during the time I was napping one of the bloody devils swam under the water, and cut the rope, and stole the skiff." We then left two men to watch the Indians. The Indians stayed on the island about ten days or so, and we changed the guards. Finally word got to us that the Indians had crossed over, and were in the brush where the town of Tivoli now is. There were 12 of us. We crept through the brush, and got close to the Indian camp during the night. At daybreak the Indians got up, and we fired on them. We fought in the brush most of the day, and killed all of the Indians but one. None of us were hurt as the brush reflected the Indians' arrows but did not reflect our musket balls. Late in the evening the surviving Indian rushed out into Hines Bay. He was a giant like most Caranachas were. He got so far out in the bay that most of us were getting into such deep water we were afraid that the priming on our muskets would get wet, so we came back to the shore, and the Indian waded down the bay, and we followed him until nearly dark, and then gave up the chase." Mr. Phelps told me that this Indian stayed out in the brush along the bay shore for about a week, and then came into Refugio and surrendered. That he then carried the mail between Refugio and some place, the name of which I do not remember, and died in Refugio. Mr. Phelps only mentioned four names to me, and those old man Fagan; probably Nicolas Fagan, whose descendants live on the San Antonio River now. Thomas O'Connor, whose descendants you know; and old man Whalen, and old man Larry, whose first names I do not remember.

The little Kemper boy died, but his sister, Amanda J., lived and reached womanhood; she married D. F. Williams. They had three children whom I knew, one daughter and two sons, the daughter married W. A. Simmons, and they lived on the Williams' land on the San Antonio River for many years, then moved to Kerrville; Simmons died, but Mrs. Simmons according to my information is still living. Sam Williams was the oldest son, and he is now living in Kerrville, but comes down here several times a year. The second son, Robert Williams, is dead, but his widow and children live in Victoria.

<sup>22</sup> G. L. II. 943.

<sup>23</sup> G. L. II. 961.



By Act of February 1, 1845, further provision was made for the protection of the southwestern frontier. Captain Hays was again appointed to raise several detachments of rangers, "and for the counties of Refugio and Goliad, a detachment of 15 men to be commanded by a lieutenant." Colonel Kinney, who had maintained a private army of his own since establishing himself at Corpus Christi, was authorized by the same act to organize one company of 40 men, with one captain and one lieutenant, for the purpose of protecting the settlements of Corpus Christi and vicinity. Kinney was required to post a \$5000 bond.<sup>24</sup> By various other acts Kinney was reimbursed his expenses in maintaining his previous private armies.<sup>25</sup>

In 1845 the last Congress of the Republic took steps looking to the reorganization of Refugio and San Patricio counties. The Act of June 5, 1837, providing that citizens of depopulated counties might hold elections wheresoever they might be, was repealed; and the reorganization law provided that thereafter, "all elections for Senators, Representatives and all civil and military officers, shall be holden within the limits of said counties and not elsewhere." Peter Teal was vested with full power and authority as chief justice of Refugio County, with a view to its reorganization. William Mann was given like authority in the case of San Patricio County. The reorganization of the counties was to be complete within six months from passage of the act (January 18, 1845); Corpus Christi was made the county seat of San Patricio County.<sup>26</sup>

By another act, approved January 22, the citizens of Refugio, San Patricio, and Goliad Counties were exonerated from payment of all direct taxes up to date of passage of the bill, with certain restrictions.<sup>27</sup>

An election of county officers was held on June 21, 1845. Those elected were John Dunn, chief justice; Peter Teal, Patrick O'Boyle, and Captain James B. Wells, justices; John W. B. McFarlane, county clerk; Walter Lambert, sheriff; Lawrence Dorman, district clerk; William St. John, treasurer; William Dougherty, county surveyor.<sup>28</sup>

From the outset of the Texian revolution there had been an agitation, both in Texas and in the United States for the annexation of Texas. Throughout the existence of the republic the agitation grew in intensity until it became a heated political issue in

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<sup>24</sup> G. L. II, 1124, 1147, 1484.

<sup>25</sup> G. L. II, 1049, 1146, III, 457.

<sup>26</sup> Act of January 18, 1845, G. L. II, 1067.

<sup>27</sup> Act of January 22, 1845, G. L. II, 1071.

<sup>28</sup> Huson, *Directory of Officials; Commissioners Court Minutes*, R. C.

both countries. Annexation was opposed by strong factions in each country.

In Texas there was an outspoken sentiment in favor of perpetuating the independence which had been so spectacularly won and so gallantly maintained for nine years. This group visualized Texas as a potential empire extending to the Pacific and to the Isthmus of Panama. In the United States the opposition was principally in the northern and eastern states, who feared the extension of slavery, and had had very little sympathy for the Texian revolution. Unfortunately for Texas, the annexationist groups of both nations eventually prevailed.

The United States Congress adopted the joint resolution annexing Texas on March 1, 1845. The resolution was signed the same day by President John Tyler. On May 5 President Anson Jones issued a proclamation calling for the election of delegates to a convention to be held in Austin on July 4, and about the same time summoned the Texian Congress to meet in extraordinary session in June.<sup>29</sup> In the meantime a number of meetings in favor of annexation were held over Texas. One of the most notable was that held at Houston on April 21, and of which Judge Milford P. Norton, later of Refugio County, was chairman.<sup>30</sup> The ninth and last Congress of the Republic at its special session gave its consent to the treaty of annexation and approved the convention called by President Jones.<sup>31</sup>

It was fitting that the people of Refugio County elected Colonel James Power to represent them in the annexation convention.<sup>32</sup> This was the last public office to be held by the *empresario*. Colonel Henry L. Kinney was elected for San Patricio County, and Archibald McNeill, afterwards a citizen of Refugio County, represented Montgomery County.<sup>33</sup> William L. Hunter was Goliad's delegate.

The convention duly met at Austin on the Fourth of July and ratified the treaty of annexation.<sup>34</sup> A constitution for the new state was the next business considered. The Constitution of 1845 was promulgated, subject to adoption by a vote of the people. The convention adjourned August 27. The proposed constitution was

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<sup>29</sup> Brown, *History of Texas*, II, 305.

<sup>30</sup> Huson, *District Judges of Refugio County*, 70.

<sup>31</sup> Brown, *History of Texas*, II, 305; *Joint Resolution of June 23, 1845*, G. L. II, 1225-1227. On Annexation of Texas; Brown, *History of Texas*, 296-311; Johnson, *Texas and Texans*, I, 477-484; Bancroft, *North Mexican States*, II, 382-383; Wortham, *History of Texas*, III, 363, IV, 119, 147-148, 188-189, 206-207; *British Archives Concerning Texas*, SW Q vols. 19, 20 and 21. See also 1 Q 79-86; 24 Q 247-291; 5 Q 28-46; 25 Q 1-25; 29 Q 161-180; 23 Q 1-19; 18 Q 74-32; also *Lamar Papers*, Wharton, *Texas Under Many Flags*, I, 393-435 (Good).

<sup>32</sup> Lindley, *Biographical Directory Texan Conventions*, 156; Philip Power, *Memoirs*.

<sup>33</sup> Lindley, *op. cit.* 119-120; Norton, *Life of Henry L. Kinney*.

<sup>34</sup> Lindley, *op. cit.* 133. Huson, *Saint Mary's of Aransas*, L. B. Russell, *Correspondence*.

signed by the delegates. The constitution was ratified by the people on October 10, and was approved by the United States Congress December 28, and by the President on the 29th.<sup>35</sup> On December 22, President Polk approved an act extending the laws of the United States over Texas, which, except as to revenue laws, did not become effective until February 19, 1846.

An election was held on the third Monday of December, 1845, for governor, lieutenant-governor, and members of the legislature. Local offices were continued in force for the time being. Refugio, Goliad, and San Patricio Counties were in the 19th Senatorial District, which was entitled to one senator. Refugio County was entitled to one representative in the lower house. Colonel Henry L. Kinney was elected senator from the Refugio district. Captain Lindsay S. Haigler was elected representative from Refugio County. Haigler had served with Cameron in the Federalist Wars, and had a commission as captain in Canales army.<sup>36</sup> Haigler's tenure as representative was short lived. He was killed in 1846 in a street fight at Goliad by a man named Pool.<sup>37</sup>

The first legislature met at Austin on February 16, 1846. After its organization President Jones delivered his famous valedictory concluding with the words, "The Republic of Texas is no more!" The United States flag was raised, and the first governor was inaugurated.



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<sup>35</sup> Treaty, see Brown, *History of Texas*, II, 306-307.

<sup>36</sup> Huson, *Iron Men*, 57, 60, 205; Lindley, *Biographical Directory*, 93.

<sup>37</sup> Lamar Papers, VI, 127.

## CHAPTER XXVII

### EARLY LAND SPECULATIONS



OLONEL POWER and his partner, Dr. Hewetson, it will be remembered, in addition to their headrights and premium lands, had bought direct from the Mexican government twenty-two leagues of land, and had bought from two other direct purchasers twenty-two more leagues.<sup>1</sup> The *empresarios* had located these grants upon some of the most desirable lands in Texas. The locations covered the shores of Copano and Aransas bays, the whole of Live Oak, Lookout and St. Charles peninsulas, and practically all, if not the whole, of Mustang, Harbor, Hog, St. Joseph's, and Matagorda Islands. Included within these grants was practically every good harbor in western Texas, including El Copano, and the subsequent ports of Lamar, Aransas City, Saint Mary's, Black Point, Saluria, and the modern Rockport, Aransas Pass, and Port Aransas.

Power and Hewetson were, therefore, probably the largest land owners east of the Nueces and bade fair to become two of the wealthiest men in Texas. However, there was a legal technicality affecting their purchased titles, the existence of which probably had not occurred to either of them. They and their predecessors in title had failed to obtain the special consent of the Supreme Executive of Mexico to these purchased grants. The *empresarios* had assumed that such consent was not necessary in view of the fact that the lands lay within the limits of their *empresa*, and the Supreme Executive had consented to the colonization grant.

The coming of Governor Henry Smith and members of his family, including Joseph F. Smith, to Live Oak Point, has been adverted to. Power and the governor had been close personal and political friends, and he and Power began having business dealings with one another. Power claimed that he had employed Henry Smith as his attorney, and that Smith had bargained to purchase a part of Power's lands, and that the latter had delivered to Smith his title papers. However the facts may be, Governor Smith declined to consummate the purchase of the lands and to pay certain notes he had given Power.<sup>2</sup>

<sup>1</sup> See chapter VIII.

<sup>2</sup> *Power Admx. v Smith Admx.*, 14 Texas 4.



The governor and his nephew, Joseph F. Smith,<sup>3</sup> became of the opinion that Power and Hewetson's titles were absolutely void by reason of failure to obtain the consent of the Supreme Executive thereto. This view was afterwards sustained by the courts, as we shall presently see. The Smiths concluded, if the grants were void, as they believed, that then the lands covered thereby were vacant public domain and open to location by holders of valid land certificates, of which many thousands were in existence. The Smiths also inclined to the view that practically every Mexican grant in Refugio County was void for want of definite legal descriptions or provable corner markers. If they were correct in this conclusion, then every colonial family could be lawfully dispossessed and his lands be thrown open to new locations.

The Smith's exerted great influence in Texian political circles and were able to get enacted such laws as might be beneficial to them; such as, the Act of February 1, 1845, requiring "that all persons owning lands in the counties of Refugio and San Patricio, by titles from the Mexican government, or government of Coahuila and Texas, the lines of which have not been correctly and permanently marked and designated, shall within two years from the passage of this act cause the same to be resurveyed at their own expense, by the county surveyor of the county in which said land is situated, and shall cause permanent corners to be affixed to said surveys; provided, that nothing herein authorized to be done shall validate titles not otherwise valid."<sup>4</sup>

Unlocated land certificates were plentiful in those days and could be bought for a song from soldiers or their heirs. The Smith family either owned or controlled hundreds of these certificates. In 1838 or 1839 Joseph F. Smith made a contract with Tirzah Ann Williamson, wife of General Thomas Taylor Williamson, of Shreveport to locate eighty certificates for 640 acres each, held by her. These certificates were part of those issued by the Republic of Texas on June 20, 1838, in settlement of the *First Texian Loan*. In addition to the Williamsons, Joseph F. Smith owned or represented the certificates of Elisha Maxey, William Bloodgood, and others.

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<sup>3</sup> Brown, *Indian Wars and Pioneers of Texas*, 549; Joseph F. Smith, born Fulton, Kentucky, in 1808, moved to Arkansas, acquired property and negroes. <sup>4</sup> Came to Texas in late 20's or early 30's and entered into partnership with his uncle ex-governor Henry Smith, in the purchase of vast quantities of land scrip, which Mr. Smith located, coming into what was then the wild west for the purpose. The bulk of this land was located in Refugio and San Patricio Counties over land illegally located, as Mr. Smith claimed and time and the law bore him out as being correct in his conclusions. This necessarily involved him in almost endless litigation, and he studied law and was admitted to the bar solely for the purpose of attending to his own large and important land suits . . .

<sup>4</sup> *Acts 1845*, 77-78; G. L. II, 1123-1124. See *Byrne v Fagan* 16 Texas 392; *Smith v Power*, 2 Texas, 72; *Com. Land Office v Smith*, 5 Texas, 71.

The Smith family was not alone in the idea of locatability of certificates on these apparently already titled lands. Stuart Perry, Cyrus W. Egery, James W. Byrne, G. R. Hull, George Armstrong, Joseph E. Plummer, Colonel Samuel A. Plummer, and even President Lamar, entertained similar ideas. Perry simply took possession of a part of the Robert Patrick Hearn headright and laid out the townsite of Port Preston there. Captain James W. Byrne took pedal possession of Lookout peninsula and established the town of Lamar. Joseph E. Plummer went into possession of the old port of El Copano and built a home there. Major Egery took possession of the island which now bears his name. All of these persons had surveys made, including President Lamar, and applied for patents; but all let Joseph F. Smith take the laboring oar in breaking Colonel Power's titles.

Joseph F. Smith began filing upon the Power and other lands in 1839; and county surveyor Collinsworth and his deputy, Willard Richardson, were kept busy for several years surveying the locations. Locations were filed on all of Power's holdings on the mainland and some on his holdings on the islands. Locations were also surveyed over the Jesusa de Leon and Juan Pobedando grants, as well as over a number of other colonial headrights. After Smith had commenced these locations, many small fry followed suit until many of the "good old titles" were so plastered with junior surveys that the older grants were practically obliterated from the early county maps. General Dunlap even filed a location on the four league grant to the town of Refugio.

These locations resulted in protracted litigation, in the Republic, State, and Federal Courts, which did not end until near the outbreak of the Civil War. The litigation resulted in the courts declaring void all titles which Power and Hewetson, or their transferors, had purchased direct from Coahuila and Texas, without the consent of the Supreme Executive.<sup>5</sup> Thus the Power family lost even their historic home at Live Oak Point, where the empresario was buried. His remains were exhumed and removed to Refugio.

Although Joseph F. Smith was himself an attorney, and an able one, he took care to employ in his behalf some of the most eminent

<sup>5</sup> *Smith v Power*, 2 Texas, 57; *Land Commissioner v Smith*, 5 Texas, 471; *Egery v Power*, 5 Texas, 501; *Hatch v Dunn*, 11 Texas 708; *Smith v Power*, 14 Texas, 146; *Byrne v Fagan*, 16 Texas 392; *Town of Refugio v Byrne*, 25 Texas, 193; *Power v Gillespie*, 27 Texas, 370; *Plummer v Power*, 28 Texas, 7; *Smith v Russell*, 37 Texas, 247; *Egery v Power*, 38 Texas, 373; *Power v Casterline*, District Court, *League v Egery*, 65 U. S. 264, 16 L. Ed. 655; *Foote v Egery*, 65 U. S. 267, 16 L. Ed. 656. See also Huson, *El Copano*, and Huson, *Saint Mary's of Aransas*, See also record in *Hornburg v O'Connor*, District Court of Refugio County (1942) and record in *Krause O'Connor* same court (1941), for recent litigation. See Houston to Borden, Land Commissioner, June 14, 1838, in Williams, *Writings of Sam Houston*, II, 252.

lawyers of his time. Among them were Alexander H. Phillips,<sup>6</sup> Milford P. Norton,<sup>7</sup> Abner S. Lipscomb,<sup>8</sup> Ebenezer Allen,<sup>9</sup> and William G. Hale. On occasions Smith represented himself. He was caustic in his comments and a stranger to diplomacy. In 1848 the Supreme Court struck his name from roll of practicing attorneys because of a contemptuous brief in the Power cases. District Judge Norton attempted to reinstate him in 1849 but the practicing attorneys filed an information to cancel the order. The Supreme Court upheld the attorneys.<sup>10</sup> Finally Smith appealed to the Legislature and by Act of January 2, 1853, was reinstated as an attorney at Law.<sup>11</sup> Judge Lipscomb and his partner, Barry Gillespie, were employed by Smith in 1840, but Smith fell out with them, and they sued him for a fee of \$5000.<sup>12</sup>

His attorneys were Phillips & Norton, of Galveston. Milford P. Norton came to Black Point in 1840 to represent him on the ground. Norton was accompanied by his beautiful and talented wife, and his children. Mrs. Norton's diary is as follows:

"Milford P. & Mary S. Norton removed to Texas in July, 1839, with their four sons, Henry Dearborn, 13 years; Charles Gilman, 9 years; Edward Russell, 5, and Francis Barbour, 2 years. Phebe Tuttle, aged 16 years was also one of the family. Arrived at Galveston July 11, 1839, resided there until Dec. 25th 1840, when we moved to Black Point with three other families. Not finding the title to land good, we left there in September, 1841, and went to Montgomery County, 25 miles from the county seat. Lived there until Feb. 1843, when we moved out onto the prairie, 12 miles from the county seat. From there we removed to Houston, February, 1844. . . ."<sup>13</sup>

Judge Norton was a gentleman and a lawyer of the old school. The breaking of old titles did not appeal to his ideas of justice. When he returned to Refugio County to become a citizen in 1849, he became the champion of the colonists, whose titles were still being assailed, and rendered signal service in their behalf, as we shall later see. In Montgomery County Judge Norton met Archibald McNeill, who was a prominent citizen and office holder. Mc-

<sup>6</sup> Rose, *History of Victoria*; Proctor, *A Court Room Chronicle*, Huson, *Officials of Refugio County during the Republic*.

<sup>7</sup> Huson, *District Judges of Refugio County*, 69.

<sup>8</sup> Attorney-General of the Republic

<sup>9</sup> *Smith v State*, 5 Texas 577.

<sup>10</sup> G. L. III, 1288.

<sup>11</sup> G. L. III, 1288.

<sup>12</sup> *Smith v Lipscomb*, 13 Texas, 532.

<sup>13</sup> Mary Stevens Norton, *Diary*, MS. Judge Norton came to Texas to look after the interests of his deceased father-in-law General Russell, who had come to Texas in 1834 to become a colonist in Zavala's colony, his headright being in Montgomery County. See *Russell's Heirs v Randolph*, 11 Tex. 460; also *Russell's Heirs v Mason*, 8 Texas 227.



Neill's daughter married Alexander H. Phillips, and later the McNeills and Judge Phillips settled at Lamar, in Refugio County.

Colonel Power, on his side, had such distinguished counsel as Judge James Webb, General Henry Stuart Foote, Henderson Yoakum, Thomas M. League, Robert Hughes, Robert J. Walker, Colonel Pryor Lea, Volney E. Howard, Governor Elisha M. Pease, Judge Anderson Hutchinson.

Joseph F. Smith never doubted that he would prevail in the land litigation. So sure was he that in 1840, fifteen years before the title had been determined, he projected a seaport townsite at Black Point (site of present Bayside). It would seem that he had William Richardson survey a tract of 2,000 acres at Black Point, and on September 19, 1840, he agreed to convey to R. Armstrong an undivided one-fourth interest in this reserve. Armstrong agreed to make certain improvements, and Smith agreed, if he was unable to obtain patents to the land, to reimburse Armstrong for the value of the improvements. Armstrong was represented in the transaction by Willard Richardson.<sup>14</sup> On May 8, 1841, Armstrong assigned his interest in the contract to Chief Justice Benjamin F. Neal.<sup>15</sup>

At this time Peter Doren was the only person living at Black Point. About 1839 or 1840 he had built a rude home and fenced in 14 acres in connection therewith. He had a herd of cattle which grazed on the free open range. These holdings became the nucleus of Major John H. Wood's famous Bonnie View Ranch.<sup>16</sup>

After his return from Mexico, Smith resumed where he had left off. On August 7, 1845, he entered into two contracts with General and Mrs. Williamson. One related to the procurements of patents under the 80 certificates, which have been referred to,<sup>17</sup> and the other to the building of a town on Aransas (Copano) Bay, on a survey in Smith's own name. The latter contract provided:

"Smith agrees to join his interests in Black Point, situated on the Bay of Aransas, County of Refugio, in the Republic of Texas, consisting of 2,640 acres of land, by surveys under certificate No. 42, being the headright of said Smith, and surveys under certificate No. 73, issued in favor of E. (Elisha) Maxey, to those of said Tirza Ann Williamson, under surveys made by land scrip Nos. 100, 101, 102, 79 and 80 acres off south end of No. 105,

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<sup>14</sup> Huson, *Saint Mary of Aransas*, Ct. II, *Refugio Deed Records*, 3, 124.

<sup>15</sup> Unrecorded Assignment, Armstrong to Neal. Misc. Papers, Clerk's Office.

<sup>16</sup> Huson, *St. Mary's of Aransas*.

<sup>17</sup> Huson, *Saint Mary's of Aransas*; *Refugio Deed Records*, K, 167.



being that part nearest the bay, containing by estimation, 2,640 acres of land. . . .

"It is mutually agreed by the aforesaid contracting parties that their interests to the aforesaid land shall be equal and joint and the expenses in laying off a town be equal and joint and that the profits to arise therefrom to be equally shared to both the foresaid contracting parties, their heirs, executors and administrators.

"But should their efforts fail to build a town on the aforesaid premises, then both of the aforesaid contracting parties to receive and revert back to his or her original titles."<sup>18</sup>

The agreement was that the townsite was to be wholly on lands owned by Smith, and it was contemplated that the town should be built at Black Point, and bear the name of that place. The town was subsequently built about two miles farther up the bay, and was named St. Mary's of Aransas, later known simply as St. Mary's. Because of an error the townsite extended from the Maxey on to one of Mrs. Williamson's survey's which resulted in litigation and the loss to Smith of *his* home, a fine three-story affair, on a block found to be in the Williamson survey.

However, nothing was done in furtherance of this contract until the litigation with Power terminated in 1855.

Major Cyrus W. Egery had settled prior to 1840 on Egery's Island, but Smith, who had filed on the island along with all other land in that section, made a trade with Egery, whereby the latter relinquished his claim to the island, and bought from Smith a tract of 200 acres on Black Point. The Egery's built a home on the mainland a few years later and moved into it.

On the Aransas River back of Black Point the Welder family was living in the early 40's.

Joseph F. Smith built himself a house at Black Point about this time,<sup>19</sup> and the bachelor brothers, Henry, John and William Clark, established themselves at the Point about the same period.<sup>20</sup>

The efforts to build a town at Black Point lagged. Judge Norton and his family moved to the place in the winter of 1840, but left after the sacking of Refugio, in September, 1841. Smith then left for the wars, and, as we have seen, was captured at Mier. He was not released from Perote until September 16, 1844. Meanwhile the townsite venture became dormant.

Joseph E. Plummer located a survey of 640 acres around the

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<sup>18</sup> Huson, *op. cit.*; *Smith v Russell*, 37 Tex. 247; L. B. Russell, *Correspondence*.

<sup>19</sup> Huson, *St. Mary's of Aransas*.

<sup>20</sup> Henry Clark, *Depositions*, in *Linney v Wood*, D. C. Refugio County, Huson, *St. Mary's*.

old port of El Copano, and built a one-story shell-concrete home at Power's Point. He was living there in 1841 when he appealed to President Lamar for a supply of six-shooters. About a mile up the bay several families who disregarded Plummer's claims settled and built themselves homes. This was the beginning of the old Town of Copano.<sup>21</sup> Plummer seems to have moved off the land during the border troubles, and did not obtain his patent until May, 1856. In the meanwhile the land remained in possession of Colonel Power and his widow, and James Power, Jr., Henry D. Norton, Walter Lambert, Moses Simpson, and Patrick Shelly, all holding under Power. In the litigation over this title it was held that the Powers acquired a limitation title as against Plummer's location. Plummer lost his home at Power's Point and built another on the Simon Miller survey two miles further up the bay.<sup>22</sup>

The town of Refugio had a hectic existence throughout the Republic. The trials and tribulations of its citizens can be appreciated from all that has been said heretofore. In 1837 the returning citizens attempted to revive the municipal government. The old *ayuntamiento* system vanished with Mexican sovereignty. The American idea of the incorporated town replaced it. The Town of Refugio was incorporated by Act of Congress, approved December 29, 1837.<sup>23</sup> By Act approved May 24, 1838, Refugio was re-incorporated under act incorporating the town of Victoria.<sup>24</sup> No record can be found indicating that the Town of Refugio was ever organized under either of these early laws, John L. Linn testified, "Under the Republic there was no mayor of Refugio before 1842. I do not think they could have organized before that date."<sup>25</sup>

No formal title had ever been issued by the Mexican government to the four league town tract of Refugio. In fact under the Spanish and Mexican conception of a *pueblo* the title to an area set apart for establishment of a *villa* never vested in the municipality as such, but remained in the sovereignty until granted to private individuals. The situation was analagous to the United States government setting apart part of the public domain for an Indian reservation, military post, or the like. However, as against the general

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<sup>21</sup> Huson, *El Copano*, 34, 38.

<sup>22</sup> *Plummer v Power*, 28 Texas 7; Huson, *El Copano*; 12, 37, 39. Philip Power, *Memoirs*; See Deed from Joseph E. Plummer to Thomas O'Connor, *Refugio Deed Records*, I, 225.

<sup>23</sup> G. L. I. 1459. In this connection see Act incorporating Brazoria, November 16, 1837, Act incorporating San Antonio, December 14, 1837. For incorporation of San Patricio, December 29, 1837. G. L. I. 1464.

<sup>24</sup> G. L. I. 1497.

<sup>25</sup> John J. Linn, *Testimony in Town of Refugio v Byrne*.

public the citizens of the pueblo had paramount rights to use of the *pueblo* lands and waters.<sup>26</sup>

Land speculators were not hesitant about taking advantage of the uncertainty of status of the legal title to the Refugio Town Tract. General Dunlap, in 1838 or 1839, attempted to locate his land certificates upon the entire four league grant. A survey was made by Reuben H. Roberts, the district surveyor, but the location was abandoned.<sup>27</sup>

To remedy this precarious situation Senator James W. Byrne had an act enacted by Congress, approved February 1, 1842, re-incorporating the Town of Refugio and confirming to it title to the four league town tract.<sup>28</sup> The town appears to have been organized under this Act, and officers elected, but no minutes appertaining to this period are to be found. Peter O'Boyle is reputed to have been the first mayor of Refugio.<sup>29</sup> This Act provided "That the Commissioner of the General Land Office be authorized, and required, to issue to the Mayor and Aldermen, and their successors in office, of the aforesaid town of Refugio, a patent for the four leagues of land known as to [sic] the tract of the Mission of Refugio, and on which said town now stands."<sup>30</sup> However, such patent never has been issued to this good day. This omission, together with the loss of Bray's original field notes of the town, made the boundaries field notes of the town tract indefinite and has been the source of much litigation.<sup>31</sup>

Senator Byrne, however, had no scruples in later filing locations of his own upon the town tract, as is seen in the celebrated case of *Town of Refugio v. Byrne*, 25 Texas 193.

Among those who moved to the town of Refugio in the days of the Republic were Henry Ryals, Matthew Cody, Michael Fox, Bartlett Annibal, Isaac W. Johnson, Benjamin F. Neal, Michael Whelan, Edward Whelan, Henry Whelan, Daniel O'Driscoll.

Michael Whelan, besides being a soldier of repute, was a noted huntsman. Judge Coopwood relates of him: "Michael Whelan, who settled at the mission of Refugio in 1832 [sic] frequently told of his killing buffalo in that section and between there and San Pa-

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<sup>26</sup> Huson, *Refugio Pueblo Grant*, and cases cited therein.

<sup>27</sup> Joseph F. Smith, Testimony in *Town of Refugio v. Byrne*, No. 417. District Court, Victoria County.

<sup>28</sup> G. L. II, 758. *Town of Refugio v. Byrne*; Huson, *Refugio Pueblo Grant*. See also *Grimes v. Bastrop*, 26 Texas, 310; Sayles, *Early Laws of Texas*, I, 105.

<sup>29</sup> Huson, *Refugio Official Directory*, 112.

<sup>30</sup> G. L. II, 758.

<sup>31</sup> *Town of Refugio v. Byrne*, No. 417. District Court, Victoria County, 25 Texas, 193. *Heard v. Town of Refugio*, 129 Texas 349, 103 SW (2d) 728; *State of Texas v. Mitchell*, No. 2500, Refugio District Court; *Town of Refugio v. O'Brien*, No. 372, Refugio District Court; *Barrow v. Atkinson*, No. 845, Refugio District Court. Huson, *Refugio Pueblo Grant*. See record recent case of *Hornour v. O'Connor* No. , Refugio District Court.



tricio, and he said that he had killed them along the Nueces River up as far as the mouth of the Frio as late as 1842."<sup>32</sup>

The developments at Aransas City and Lamar already have been related. By the end of the Republic, Aransas City had reached the vanishing point and Lamar was struggling to hold on.

While General Alexander Somervell was on his way to the Rio Grande, he was appointed by President Houston, on December 13, 1842, to be Collector of Customs of the Port of Calhoun. This collectorial district, which was established January 21, 1841, commenced at the mouth of the San Antonio River and extended eastwardly up the gulf to Cedar Lake. The town of Calhoun at the North end of Matagorda Island was made the port of entry; but until necessary buildings could be constructed there, the collector's office was temporarily located at Port Caballo at the south tip of Matagorda Peninsula.<sup>33</sup> The appointment brought General Somervell to the coast and in contact with Colonel Power.

The townsite of Calhoun was projected by the government of Texas in 1839. An act of Congress, approved January 21, 1839, required the Secretary of the Treasury to lay off 640 acres at the east end of Matagorda Island, into a townsite to be named the Town of Calhoun. When this was done the lots were to be advertised for sale to the public.<sup>34</sup> The government had in view the establishment of a western port town, which was to be the location of the Custom House for that section of Texas.<sup>35</sup> By Act of January 28, 1841, the sales of lots in the town were required to commence on the first Monday in June, 1841, and to continue from day to day until one-fourth, and no more, was disposed of.<sup>36</sup>

Little is known of the Town of Calhoun, but that it did not meet with much success is indicated by the fact that the Congress, on February 2, 1844, ordered the removal of the Custom House from Calhoun to Port Caballo, provided, the proprietors of the latter town donate to the government a suitable lot or lots in said town, for the erection of the public buildings.<sup>37</sup>

Matagorda and St. Joseph's Islands, among others, had been included in the titles purchased direct from Coahuila and Texas by Power and Hewetson, as has been seen. Some of their premium lands as *empresarios* also had been located on those islands. Power, of course, regarded the establishment of the Town of Calhoun as

<sup>32</sup> Coopwood, *Route of Cabeza de Vaca*, 3 Q 237.

<sup>33</sup> Act January 21, 1841, G. L. II, 511-513.

<sup>34</sup> Kennedy, *Texas*, 784.

<sup>35</sup> G. L. II, 61-62.

<sup>36</sup> G. L. II, 511-513.

<sup>37</sup> G. L. II, 541-542.



being violative of his rights but appears to have done nothing with reference to it. However, when the Texian government abandoned its townsite enterprise, Power re-entered the lands and projected a townsite of his own—the Town of Saluria. Interested with him in this venture were General Somervell and Judge Milford P. Norton.<sup>38</sup>

It is not clear whether Saluria occupied the same site as Calhoun or not. Probably not. Calhoun is indicated by Arrowsmith's map to have been at the southeastern bulge of the island, whereas Saluria was located at the northeastern bulge, abutting McHenry Bayou.<sup>39</sup>

Power and his original associates do not appear to have made much progress with the townsite, at the time the Legislature created the County of Calhoun (Act of April 14, 1846), which was made to include Matagorda Island.<sup>40</sup> Thomas M. Duke,<sup>41</sup> later a citizen of Refugio County, was one of the commissioners appointed to locate the seat of justice of Calhoun County.<sup>42</sup> Thus Matagorda Island ceased to be part of Refugio County.

On March 17, 1847, Colonel Power made a contract with General Alexander Somervell, John Washington Rose, and J. W. Denison, by which title to the 640 acre Saluria townsite was deeded to Somervell as agent and trustee. The new proprietors obligated themselves to subdivide the section into town lots, blocks, and streets, and to reconvey to Power one-fourth thereof. The remaining lots were to be sold, and the profits equally divided among the four contracting parties. All unsold lots belonging to the three-quarters share were to be divided four ways.<sup>43</sup>

In addition to the townsite, Power gave deeds at divers times to acreage tracts adjoining it. In 1856, the Legislature enacted a law confirming title of these tracts in the purchasers. The law reads as follows:

"Be it enacted by the Legislature of the State of Texas, That the State hereby relinquishes in favor of, and to S. S. Givens, J. K. McCreary, H. [Hugh] W. Hawes, John R. Baker, R. J. Holbun, J. A. Prett, C. T. Hawes, S. G. Powell, E. Hawes, C. M. Coen, Mary Ann Tucker, Wm. B. Pegrim, Wm. F. Hawes, Wm. H. Kearney, Charles Scott, L. T. Tucker, J. H. Davis, D. Sheperd, Thomas Forrester, J. K. Hawes, and others, and their heirs and assigns, claiming under James Power, according to their re-

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<sup>38</sup> *James Power Papers; Estate of James Power, inventories, Probate Records, R. C. Milford P. Norton Papers; Philip Power, Memoirs; Indianola Scrap Book*, 194.

<sup>39</sup> Compare Arrowsmith's Map in Kennedy, *Texas*, with U. S. Engineer Map of Guntery and Bombing Range, Matagorda Island, See Act of August 26, 1856, G. L. IV, 683-684.

<sup>40</sup> G. L. II, 1354.

<sup>41</sup> Lindley, *Biographical Directory*, 78.

<sup>42</sup> Act April 3, 1846, G. L. II, 1347.

<sup>43</sup> *Indianola Scrap Book*, 194-195; *James Power Papers; Estate of James Power, inventories, Probate Records, R. C. Philip Power, Memoirs*.

spective titles, all the right, title and interest of the State, in and to six hundred and forty acres of land, situated on Matagorda Island, with the following boundaries: beginning where the waters of Bayou McHenry intersects the channel of Matagorda Pass; from thence with said Bayou, one mile to a stake, the original corner of Saluria; thence south thirty minutes east one mile to a stake. Thence north  $89^{\circ} 30'$  east, to the channel of Matagorda Pass; thence along said channel to the place of beginning. And also in favor of, and unto Theodore Ryan, S. S. Givens, the heirs of John B. Tucker, deceased, Hugh W. Hawes, the heirs of Alexander Somerville [sic], deceased, James Mainland, J. D. Royall, Jerry Smith, and William Hill and their heirs and assigns, according to their respective titles, derived through James Power, thirty-five and ninety-two hundredth's acres of land, situated on McHenry's Bayou, and west of the above survey, and one hundred and forty acres south and adjoining said six hundred and forty survey, and also in favor of and unto Hugh W. Hawes, one labor of land with the following boundaries, beginning where the waters of McHenry's Bayou intersects the channel of Matagorda Pass; thence west along said Bayou, twelve hundred yards to a stake, the original corner of a survey for W. W. T. Smith; thence north  $30'$  east, one thousand yards to a stake; thence south  $89^{\circ} 30'$  east to the channel of Matagorda Pass; thence along said channel to the place of beginning; provided, the land hereby relinquished shall not exceed one thousand acres, and further provided, that this act shall not be construed into a confirmation of the titles of James Power, nor so as to affect the rights of other parties."<sup>44</sup>

The town of Saluria appears to have been thriving at the commencement of the Civil War. It had a United States light house, but the Customs House appears to have been at Indianola in 1858.<sup>45</sup> The town was burned, and the light house blown up by the Confederate army in 1862.

A population gradually grew up on St. Joseph's and Mustang Islands during the Republic. By the end of the Republic a settlement had accumulated at the western end of St. Joseph's and formed a village, which they called *Aransas*. This town was located on the William Little Survey. In after years the name of the place was changed to *St. Joseph's*.

One of the earliest inhabitants of St. Joseph's-Matagorda Island was John Baker, father of Captain John Reagan Baker. His wife

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<sup>44</sup> G. L. V. 683-684.

<sup>45</sup> *Texas Almanac*, 1859.

was a kinswoman of John H. Reagan. John Baker died on the island in 1839.<sup>46</sup>

The early colonizers of St. Joseph's and Matagordo Islands which are essentially a single island, separated only by Cedar Bayou, were Ebenezer Allen and William G. Hale, lawyers, of Galveston; Edward Hall and William Little, William Bryan and William Little. The townsite of Aransas was laid out by Allen & Hale.

The population of the two islands was to a large extent interchangeable. Many of those who lived on St. Joseph's lived at various times at Saluria and Matagorda Island and vice versa.

"Among the early settlers on St. Joseph's Island, many of whom came there during the Republic, were these:

Paul Anderson, Captain Frederick Augustine, John Baker, D. Ballou, Seth T. Ballou, Catherine P. Benoit, A. Benson, Captain L. Bludworth, George Brundrett, John M. Brundrett, J. W. Brundrett, Thomas Brundrett, Isaac W. Boone, Sr., Isaac W. Boone, Jr., James W. Byrne, J. A. Casterline, William Cabban, John and Mary Ann Chain, H. L. Clark, William P. Clark, Thomas Clubb, Captain George M. Collinsworth, J. M. Crandall, Alex Dorsey, Charles Gardiner, Jack Harding, Parry Humphreys, Jr., Evan J. Henry, James F. Irvin, Thomas Jenkins, Captain Peter Johnson, Captain Theodore (Charlie) Johnson, William H. Jones, George Little, John Little, William Little, Captain John Low, Captain James Mainlan, Charles Hays Miller, William Mann, John McGinnis, Archibald McRae, Robert A. Mercer, — — Myers, Jack Paleka, James Paul, Captain Philip C. Paul, Frank Peterson, Joseph E. Plummer, Henry Redmond, Jacob Roberts, Captain George Roberts, Captain William Roberts, George Rogers, Captain Henry Seward, Captain Marion Seward, Moses Simpson, John Smith, Robert Smith, Captain William Smith, Captain Spears (of Government lighter), James Sullivan, John Thomas, C. Thompson, F. Thompson, George Wadsworth, Robert J. Walker, Captain James B. Wells, Lieutenant David Williams, H. N. Williamson, J. Woods, Captain John R. Baker.<sup>47</sup>

Practically all of those bearing the title of Captain were captains of sea-going vessels, and a number of them had served in the Texian navy. Captain James B. Wells, father of the noted Judge James B. Wells, had been master of the Texian Navy Yard at Galveston. In 1848 he was appointed master of wrecks for Refugio County.

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<sup>46</sup> *Estate of John Baker, Refugio Probate Records.*

<sup>47</sup> Johnson, *The Two Sea-Captains Johnson*; Philip Power, *Memoirs; Refugio County Deed Records*; Milford P. Norton *Papers*, William L. Kupkendall, *Recollections*; and compiled from numerous other sources. *Jones v Norton*, 10 Texas 120.

The people on the two Islands were engaged both in cattle ranching and the shipping industry.

Among those who lived at Saluria or ranched on Matagorda Island and were prominently identified with Refugio County were the following:

John Baker, Captain John Reagan Baker, J. M. Bickford, Peletiah Bickford, Isaac W. Boone, Sr., Isaac W. Boone, Jr., Forbes Britton, George Brundrett, John M. Brundrett, J. M. Brundrett, Thomas Brundrett, Richard S. Bryan, William Bryan, Captain James W. Byrne, Bryan Callaghan, Robert J. Clow, Captain — Cook, Alfred Croppen, William Croppen, Captain James Cummings, Governor Edmund J. Davis, James Denison, — — Drake, Lucas Dubois, Thomas Marshall Duke, Captain George W. Fitch, Samuel S. Givens, Charles T. Hawes, Edward Hawes, James H. Hill, William Hill, William Hobdy, Robert J. Holbein, Colonel Albert C. Horton, William Little, Captain James Mainlan, Captain William Nichols, Captain Philip C. Paul, Samuel A. Pearse, W. B. Pegram, Alexander H. Phillips, Thomas W. Pierce, Lt. — — Pitcher, Julius A. Pratt, Captain George Roberts, John Washington Rose, H. W. Sessions, Governor Henry Smith, General Alexander Somervell, Captain — — Sorenson, Darwin M. Stapp, Peter Teal, John Teal, Captain Tarlton Tucker, William M. Varnell, John W. Vineyard, Lt. David Williams, Judge Hugh W. Hawes, J. K. Hawes, William F. Hawes.<sup>48</sup>



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<sup>48</sup> Compiled from Wm. L. Kuykendall, *Recollections of John, Tar, Sea-Captains Johnson*; Records in *United States v. 18,648 acres of Land (Matagorda Island) H. W. Hawes, et al.*, Civil Action No. 22 U. S. Court, Victoria. The petition in this case gives list of last known owners of lands on Matagorda Island.



## CHAPTER XXVIII

### THE MEXICAN WAR



ALTHOUGH the United States flag was raised at Austin on February 16, 1846, it would appear that to Refugio County belongs the honor of being the place where the stars and stripes was first officially raised in Texas. The facts in support of her claim will be produced presently.

When it appeared that annexation would be a certainty and that Mexico would consider such proceeding a *causus belli*, the War Department of the United States took steps to provide for the protection of Texas should the Mexicans invade her. The United States army, under General Zachary Taylor, was stationed at Fort Jessup, Louisiana. In April, 1845, the War Department had cautioned Taylor to be on the alert, and commencing in May, a series of orders were sent him, the first of which contemplated a movement only as far as Nacogdoches.<sup>1</sup> Later Taylor was directed to move by sea and to land at some point on the Texas coast in proximity to the Nueces river.<sup>2</sup> The general was instructed to keep in touch and cooperate with the Texian officials.

The Ninth Texian Congress, after consenting to the annexation of Texas, adopted on June 26, 1845, a joint resolution making it the duty of the President of Texas "to invite the Executive of the United States . . . to occupy without delay the frontier of this Republic with such troops as may be necessary for its defense."<sup>3</sup> It is probable that this resolution was adopted at the suggestion of the United States authorities for obvious reasons. The Texian executive was further authorized to call out the militia, or for volunteers, in case it should be necessary to repel any Mexican troops which might invade or attempt to invade Texas.<sup>4</sup>

In response to the invitation of the Texian Congress and under orders of the War Department, Taylor's army embarked at New Orleans, on July 22, 1845, sailing for Texas at 3 a.m. the following day.<sup>5</sup> Eight companies of the 3rd Infantry, with General Taylor and staff, made the voyage in the *Alabama*, escorted by men-of-war.<sup>6</sup>

<sup>1</sup> Order, May 28, 1845. Ex. Doc. No. 60. *Mexican War*, Vol. III, 79-81.

<sup>2</sup> Order, June 15, 1845, id. III, 81-82. See also pp. 82, 83.

<sup>3</sup> G. L. II. 1207.

<sup>4</sup> G. L. II. 1207-1209.

<sup>5</sup> Henry, *Campaign Sketches of the War with Mexico*. 13.

<sup>6</sup> Report of General Taylor, July 28, 1845. Ex. Doc. Vol. III. 97-98.

The commander of one of these infantry companies was Captain W. S. Henry, who has left the following account:

"At twelve o'clock on the 25th, after a delightful run, we made Matagorda Island. It was the first glimpse of the promised land, the land of 'the lone star' no longer.

"Matagorda Island is properly St. Joseph's: and the one put down on the maps as St. Joseph's should be Espiritu Santo. We ran along the coast (about two miles distant) all the afternoon. Its white sand-beach and rolling sand-hills, from twenty to fifty feet high, covered with verdure, presented a bold and picturesque appearance. It resembles very much the Florida coast. You miss, however, the palmetto and pine; to the latter-named we have bidden a long farewell. The live-oak, of immense size, through whose thickly-interlaced leaves the sun's rays never pierce, has taken their place. . . . A fierce band of Indians, the Caranchuas, [sic], formerly, and within a very late period, inhabited this island. They are cannibals, and proved a scourge to the early settlers of this portion of Texas. A small band of Texans gave them battle, and, after a fierce fight, whipped and drove them from the island. The spot on which the battle took place bears the name of "Battle Island." In the course of several fights they have nearly been exterminated. They are now reduced to a few warriors, and are located upon Padre Island. They are very brave and warlike, and celebrated for the accuracy of their shooting. An instance is related of a warrior lying down upon his back, using his feet to draw his bow, and driving an arrow, at the distance of 175 yards, through a man and six folds of buckskin.

"We made Aransas Bay, latitude 27° 45" early on the morning of the 26th of July. Lieutenant C landed at nine o'clock, and on the top of one of the loftiest sand hills erected a pole, from the top of which was unfurled the star-spangled banner. It floats over a rich acquisition, the most precious Uncle Sam has yet added to his crown.

"Long may it wave  
O'er the land of the free and the home of the brave."

"The company I commanded had the honor of landing first. The vessel, drawing too much water, could not cross the bar; it therefore became necessary for us to land in small boats. Seventy-five yards distant from the shore the men had to jump overboard into the roaring surf. They made a real frolic of it. Some old veteran camp women took to the element as if they were born in it; while others, more delicately nerved, preferred a man's back, and rode on shore. This island (St. Joseph's) is a curiosity, in many respects. If you dig a well four feet deep anywhere, even on the sea shore, you obtain *fresh* water. . . .

"The landing of the troop's supplies was affected with great difficulty. On the 29th, two companies of the 3d, one of which was mine, embarked on the steamer *Undine* for Corpus Christi . . ." They had to land at Corpus Christi in small boats.<sup>7</sup> General Taylor, under date of July 28, made the following report from aboard the steamship *Alabama* at Aransas Pass:

"I respectfully report my arrival at this place on the 25th inst., with eight companies of the 3d Infantry, it having been found necessary to leave two companies of that regiment, to be brought over in other transport.

"The troops are temporarily established on St. Joseph's Island. I am writing the report of a boat expedition sent to Corpus Christi bay before I determine on the site of an encampment. I hope to receive the necessary information in the course of the day, when I shall immediately commence the removal of the 3d Infantry to the point selected. The position will probably be "Live Oak Point" in Aransas Bay, some ten miles from our present location. I am very anxious to establish myself at the mouth of the Nueces, but the extreme shoalness of the water will, I fear, present an insuperable obstacle, unless we can procure lighters of much lighter draught than those we have at present. . . ."<sup>8</sup>

General Taylor remained with the troops at St. Joseph's Island until his several reconnaissance parties could report concerning a suitable location for a permanent camp. The general for political, as well as strategic, reasons desired the encampment to be on the west of the Nueces River. On August 1, two companies, with which was Captain U. S. Grant, were lightered to Corpus Christi, to join the other two companies.

Within the next few days the major portion of the remaining units was taken across the bay and landed on Live Oak Peninsula at the site of present day Rockport. An encampment was established, and the noble live oak under which General Taylor had his own tent has been marked, and is one of the landmarks of Rockport. During their sojourn on Live Oak Peninsula, Taylor and his staff visited Live Oak Point, which was under consideration for the principal rendezvous of the American Army of Occupation. The officers were entertained by Colonel and Mrs. Power at their historic home.

It developing that there was not as much difficulty as was at first supposed in landing troops and supplies at Corpus Christi (although several ships were subsequently wrecked in the effort),

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<sup>7</sup> Henry, *Campaign Sketches of the War with Mexico*, 15-25.

<sup>8</sup> Report of General Taylor, July 28, 1845, Ex. Doc. No. 60 III, 97-98.



Taylor finally decided to make his camp at that point, and on August 15 established his headquarters there. He named the cantonment *Camp Marcy*, in honor of William L. Marcy, the Secretary of War. Taylor left St. Joseph's Island for Corpus Christi on August 15, and at the latter place on said date indited a report to the Secretary of War, in which he describes the location of his camp. In the report he states:

"... One more company of the 4th (left temporarily on St. Joseph's Island) will join in a day or two. . . . I have determined to establish my depot, for the present on the point of St. Joseph's Island, whence supplies can be thrown either into Corpus Christi or Aransas Bay, as may become necessary. Owing to the shoalness of the water between the two bays, the transportation of troops and supplies has been attended with much delay and expense."<sup>9</sup>

While Corpus Christi became Taylor's great concentration point, St. Joseph's Island remained a depot until the army reached the Rio Grande, whereupon the depot was transferred to Brazos Santiago. In his report of August 26, the general mentions that "five companies of the 7th Infantry have arrived at St. Joseph's Island. . . . Graham's companies have also arrived. . . ." In that of October 11, he reports "the arrival at St. Joseph's Island, on the 9th inst. of five companies of the 5th Infantry, under Lieutenant Colonel McIntosh, two companies of the 8th Infantry under Captain Montgomery, and one company of the 7th Infantry under brevet Major Seawell . . . arrived today." In his report of October 15, he remarks that Major Ringgold's command is on the island, and that Captain Burk's company will be left on the island as a guard.<sup>10</sup>

Taylor's army for several months after quartering at Corpus Christi was weak in numbers and material. On October 15, 1845, it aggregated but 3860 officers and men. Some of the artillery companies were without field guns, and cannon had to be borrowed from Colonel Kinney in order that the army camp might be given a "terrifying appearance." Reinforcements were slow in arriving. They came by land as well as by sea. Some of these reinforcements marched via San Antonio and Goliad to Corpus Christi. From Goliad the troops moved through either Refugio or San Patricio. Other augmentations were landed up the coast at Powderhorn and Lavaca and marched overland through Victoria, Goliad, or Refugio. Some of these units marched direct from ports of debarkation

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<sup>9</sup> *Report of General Taylor*, August 15, 1845, id. III, 99-100.

<sup>10</sup> *Reports of General Taylor*, id. III, 106-107, 109-110, 110-111.



across country, coming by way of Mesquite Landing, where the old veteran Peletiah Bickford had a store and ferry.

Among the dragoons who came overland was Daniel C. Doughty, who met and married Ellen Duggan, daughter of Catherine O'Driscoll, while in this section of Texas.

Until Taylor marched for the Rio Grande, he maintained a garrison at San Patricio. The 2d dragoons arrived there August 28.<sup>11</sup>

Texas was, of course, in the forefront in furnishing troops to carry the war into Mexico. General Henderson, governor of the state, took personal command of the Texans in the field. Volunteer companies were raised in all parts of the state. Chief Justice Neal took a leave of absence from civil duties and organized a company recruited largely at Refugio, San Patricio, and Corpus Christi.

The first Texan troops to join General Taylor were the ranger companies of Captains John T. Price and Samuel H. Walker. Captain John C. Hays' rangers and numerous other cavalry units were soon at Corpus Christi, and a regiment composed of these various mounted companies was formed with Hays as colonel, and Walker as Lieutenant Colonel.<sup>12</sup> Many Refugio citizens, and a number who subsequently became citizens, were in Hays' famous regiment, and served under both Taylor and Scott.

Among Refugio citizens, then or subsequent, who saw military service in the Mexican War were:

John C. Brightman, Gilbert R. Brush, Daniel C. Doughty, Edward Fitzgerald, Gideon K. Lewis, (Captain), John Low, (lieutenant), Archibald McNeil, Benjamin F. Neal, Henry D. Norton, John O'Brien, Stephen Peters, John T. Price (Captain), Lieuen M. Rogers, (lieutenant), Richard Roman, (Major), Charles A. Russell, Henry Scott, Eldridge G. Sevier, Moses Simpson (sergeant), John Jacob Thomas, Benjamin F. West.

The large troop concentration at Corpus Christi created a demand for beef and provisions and teamsters. Army contractors were sent into San Patricio, Refugio, Goliad, and Victoria counties to buy provisions and to engage the services of carts and teamsters to haul the supplies. Many citizens of those counties were soon engaged in aiding the army, in such connections.

Peletiah Bickford, who had a commissary and operated a ferry at Mesquite Landing, was one of the largest local contractors to

<sup>11</sup> *Mexican War*: Brown, *History of Texas*, II, 318-343; Wharton, *Texas Under Many Flags*, I, 393, et seq.; II, 7-24; Mansfield, *The Mexican War*; Jenkins, *History of the War with Mexico*; Smith, *Mexican War*; Young, *The Mexican War*; Callier-Times, *Corpus Christi, a Guide*; Cuevas, *Historia de la Nacion Mexicana*; Priestly, *The Mexican Nation*; Lamar Papers, *Memoirs and Diaries of various officers*. Philip Power, *Memoirs*, 30 Q. 9. Henry, *Campaign Sketches of the Mexican War*.

<sup>12</sup> Brown, *History of Texas*, II, 322.

the American armies. He supplied cattle and feed stuff not only to Taylor's army, but to Scott's as well.<sup>13</sup>

John Howland Wood, who had been quartermaster to the Texian army at Victoria, but who was then ranching between the Aransas and the Nueces, was also a large contractor to Taylor's army, and supplied a fleet of carts and teamsters for transportation of supplies.

James Power was another who contracted cattle and beef to the American army. He had a passport from General Taylor to pass the American lines on trips to and from Mexico whenever he so desired.

Contemporaneous with the Mexican War the Indian tribes of Texas became more active in their warfare against the whites. On July 14, 1847, Governor Henderson wrote Mirabeau B. Lamar, who was then Commandant at Laredo: "Complaints are constantly being sent in from Corpus Christi, San Patricio, Goliad and Davis' Bluff that the Indians are harassing them."<sup>14</sup> Among such incidents was the Comanche raid on the Black Point settlements. A courier was sent to Major John H. Wood and other ranchers living west of the Aransas, warning them of the presence of the Indians in the coastal country. The ranchers immediately went to the rescue of the settlers. From Major Wood's biography the following account is taken:

"Jacob Craing [Kring], a little orphan boy employed by the Welders<sup>15</sup> went out to a corn field (located on this side of a gully, distant only a few hundred yards from where Major Wood's palatial home is now situated [present Bayside], to stake his horse and was captured by a party of prowling Comanches. Major Wood and companions knew that it was useless to strike the trail of the Indians and attempt pursuit and accordingly cut-in to the Tuscoosa, sixty miles distant, intending to attack the Indians at a crossing, situated at a point on the stream in the present county of Live Oak. The men were on a knoll when, toward the middle of the afternoon, they saw the Indians advancing. The Texans numbered eleven men; the Indians probably a few more. The two parties were nearly evenly matched and the Texans would have intercepted and charged the Indians in the open country had it not been that a number of the men had neglected to fix their guns and some delay was caused in getting ready for the attack. The Indians succeeded in making their way into a dense thicket and sep-

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<sup>13</sup> Will D. Bickford, Statement to author.

<sup>14</sup> *Lamar Papers*, IV, pt. 1, 174.

<sup>15</sup> *Estate of Jacob Craing*, Minor, Probate Records. R. C.

arated in parties of two and three. Everything having quickly been placed in readiness, the Texans dashed into the mesquite and chaparral. Major Wood, as the party charged by, called to Jacob Craing: 'Stay with the horses! Stay with the horses\*' The little fellow obeyed and stayed with the loose horses at the edge of the timber. Major Wood came upon two Indians in the brush and when at close quarters, they opened on him a hot fire with their bows and arrows, to which he replied by impartially bestowing upon each of them a load of buckshot from his double-barrel gun. Although badly wounded they continued to fire at him. His gun, like all the fire-arms of that period, was a muzzle-loader and he had no time in which to recharge the piece. He drew one of his holster pistols, intending to fire again, but knowing that the trigger was out of fix and that he would probably miss his aim and the Indians escape, he called to a companion who was passing and the man quickly dispatched the savages. Three Indians were killed in the fight, several were wounded and forty or fifty stolen horses were recaptured. Two of the Texans were wounded, and two of their horses were killed. The Texans who were wounded were in the rear of Major Wood. One of them had his arm pinned to his side by an arrow and the other was shot in the leg and crippled for life.

"Jacob Craing, although a boy eleven or twelve years of age, had suffered so intensely from terror while a captive of the Indians that when he was rescued he seemed to have forgotten his knowledge of English and only responded with a dazed stare when addressed in that language. When, however, Captain [David] Snively, [the county surveyor] spoke to him in German his face lit up with intelligence and he burst into tears and sobs. The strain on his nervous system had been too much for the little fellow and when the tension relaxed he became so ill that it was feared that he would die on the road to San Patricio.

"With the exception of those mounted by Major Wood and the boy, the horses of the Texans were broken down with travel and could proceed but slowly, and after consulting with Captain Snively, Major Wood determined to push on with the lad to town, where medical assistance could be procured. Turning to Jacob, he said: 'Whip up your horse, my little man, and let's ride to San Patricio.' The boy obeyed. The excitement of fast riding revived him and in a few hours he had completely recovered from his indisposition." He subsequently moved to Bee County where he became a well-to-do man, and reared a family which is prominent in South Texas.



The same account continues:

"During the war between Mexico and the United States, Major Wood made frequent trips to Brownsville with supplies, [the family still possess the passport given to Major Wood by General Taylor] and more than once witnessed the robbing of wagon trains by the soldier-banditti that infested the roads. These men did not hesitate to swoop down on unprotected trains and appropriate horses, wagons and goods, in fact, anything that excited their cupidity, often despoiling the owners of their entire cargoes. Although he often came in contact with these bands and had experiences more interesting than amusing he was never seriously molested."<sup>16</sup>

This lawless state of the frontier led General Taylor to request the services of Texas ranger companies to deal with the special situation. Governor Henderson, during the years 1847, 1848, and 1849, called for the services of mounted riflemen for this service. In response to the call several companies of volunteers were mustered into the service of the state. Among these were the company raised by Captain Isaac W. Johnson, mayor of Refugio, and a company organized by Judge Neal, but commanded by Captain Charles Blackwell. This latter company was mustered into service by Colonel Kinney at Corpus Christi. Many Refugians served in these two companies during 1848 and 1849. Judge Neal and Edward Fitzgerald were members of Blackwell's company, which did good service and was finally disbanded on the Rio Grande.<sup>17</sup> During Judge Neal's absence John White Bower served as chief justice pro tem of Refugio County.<sup>18</sup>

Like Melmoth the Wanderer or Banquo's ghost, the Federalist movement in Northern Mexico aroused itself from its tomb of 1841 to appear at Corpus Christi, in 1846, in the person of General Jose M. J. Carbajal. Justin H. Smith states:

"During the first week of February, 1846, an officer of [General Antonio] Canales named Jose M. J. Carbajal—who had been educated in the United States and was regarded as above the average of his fellow-citizens in character and intelligence—visited Taylor at Corpus Christi, and presented as credentials a letter from Canales to the American general."

Canales proposed that the United States instead of pursuing their war against the Mexican nation stand by and permit the two

<sup>16</sup> Daniell, *Personnel of the Texas State Government*, 636-638. It is stated that members of Major Wood's posse included Major Cyrus W. Egery, John Welder, Thomas Welder, Peter Doren, Captain David Snively and Henry F. Snively. Philip Power, *Memoirs*.

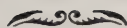
<sup>17</sup> Letters of Benjamin F. Neal in *Milford P. Norton Papers*; Brown, *History of Texas*, II, 341-347; Act of January 7, 1850, for relief of members of these companies, G. L. III, 365-368.

<sup>18</sup> Huson, *Refugio Official Directory*.



Mexican factions to do the warring with each other, the United States to form an alliance with the Federalist, and furnish arms and ammunition, and, perhaps a small expeditionary force to operate under Canales' orders, with the object of driving the Centralists from power and restoring the Constitution of 1824 to the Mexican nation; or failing in that larger purpose the Federalist states would secede from the Mexican Confederacy, and form the Republic of the Rio Grande, provided the United States would agree not to annex the seceding states. It seems that highly placed American statesmen toyed with this truly Canalesian scheme, but nothing came of it.<sup>19</sup> A few months later we find Canales back in the Centralist army, the author of an order to murder every American soldier who happened to fall into Mexican hands.

Taylor moved out of Corpus Christi for the Rio Grande in March, 1846. During his long stay on the Nueces many of his officers and men had passed back and forth between Corpus Christi and San Antonio, most of them by way of San Patricio and Goliad, but some few via Refugio.



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<sup>19</sup> Smith, *La Republica de Rio Grande*, in *The American Historical Review*, XXV, No. 4, July, 1920, 660-675. An excellent article. See efforts of Carbajal to revise the Federalist movement with the aid of the Southern Confederacy, post.

## CHAPTER XXIX

### FIRST YEARS OF STATEHOOD



HE TRANSITION of Texas from Republic to state, and of its people from Texians to Texans<sup>1</sup> produced a pronounced change in the character of her public leadership and in the character of her citizenship. Formerly the people living among ever threatening dangers instinctively realized that the salvation of their state as well as their own personal existences depended upon civic virtue. Those who expected to live in Texas might expect also to die for her, if need be. (For this reason many preferred not to migrate to Texas until danger had passed.) The old Texians, well knowing that their lives and most precious possessions pended upon it, chose for their leaders and public servants those whom they knew to be worthy of the trust. The public officials of Refugio County are a fair example of the character of men who served in similar capacities in other parts of the Republic.

Nor did those who were timorous or self-seeking offer themselves for public service or accept leadership in the days of the Republic. Public service meant exposure to hardships and dangers and often risk of life. The financial remuneration was insignificant, more often *nil*. A high concept of duty impelled most to assume leadership. The approbation of his neighbors for duty well performed was a prize to be treasured. Public service was discharged fearlessly and with intrinsic honesty and patriotism. There were no political parties nor political pelf.

With the advent of statehood the helm of state government passed from the rugged hands of patriots into the soft hands of politicians. The essential difference between a patriot and a politician is that the former subordinates his personal interests to the good of the state, whereas the latter is willing to subordinate the public interests to his own selfish lust for place and for power.

The men who have governed Texas since statehood are for the most part pygmies when compared to those who stood at the helm of the Republic.

The First Legislature restricted the area of Refugio County as it had existed since 1836. On April 14, 1846, an act was approved

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<sup>1</sup> Brown, *Indian Wars*, for distinction between "Texian" and "Texan."

creating the county of Calhoun, and including Matagorda Island within the new county.<sup>2</sup> San Patricio County was reconstituted by Act approved April 18, 1846.<sup>3</sup> Prior to passage of this act, San Patricio had lain along the Nueces River outside the ten littoral leagues. Eventually the territory lying between the Nueces and the Rio Grande was added to it, and in the last days of the Republic the county seat had been removed from the town of San Patricio to Corpus Christi. By a companion act of same date, April 18, Nueces County was created with territory west of the Nueces River, and with Corpus Christi as its county seat.<sup>4</sup> The city of Corpus Christi was reincorporated by Act approved April 25, 1846; and Colonel Kinney and William Mann were authorized to call an election.<sup>5</sup> The election was probably not held, as Benjamin F. Neal is conceded to have been the first Mayor of Corpus Christi, and he was not elected until April, 1852,<sup>6</sup> which was after the city was reincorporated under the Act of February 16, 1852.<sup>7</sup>

In this readjustment of boundaries San Patricio was shifted from its original location (with the exception of the area in the vicinity of the town of San Patricio) and re-made to include all that part of Refugio County lying between the Aransas and the Nueces, with the exception of Live Oak Peninsula and Mustang Island. The town of San Patricio became the county seat of this recreated San Patricio County.

The boundaries of Victoria were shifted westward from Coletto Creek to the San Antonio River, by Act approved March 31, 1846.<sup>8</sup> Thus one of the most historic parts of Refugio County, including the famed Carlos Ranch, passed to Victoria County.

The south line of Goliad County had been fixed by the Congress of the Republic, after the survey made by Willard Richardson 1839-1841.<sup>9</sup> This survey threw a sizeable part of the Power and Hewetson colony into Goliad County. The Commissioners' Court was not certain as to the boundary between Refugio and Goliad Counties, and on February 19, 1849, directed that it be resurveyed.<sup>10</sup> In the 1890's the boundary lines with Goliad, Bee, and Aransas counties were re-run by county surveyor M. D. O'Sullivan, who came to Refugio County for that specific purpose.<sup>11</sup>

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<sup>2</sup> G. L. II, 1354; see also Act September 1, 1856, G. L. IV, 522.

<sup>3</sup> G. L. II, 1392; III, 968.

<sup>4</sup> G. L. II, 1396; also III, 26.

<sup>5</sup> G. L. II, 1436.

<sup>6</sup> Sutherland, *The Story of Corpus Christi*, 71.

<sup>7</sup> G. L. III, 1222.

<sup>8</sup> G. L. II, 1341.

<sup>9</sup> *Hamilton v. Menifee*, 11 Texas, 718; 32 Texas, 495. Act of December 2, 1841, G. L. II, 678; Act of January 30, 1845, G. L. II, 1104; Act of February 12, 1848, G. L. III, 26.

<sup>10</sup> *Commissioners Minutes*, I, 54.

The boundaries of Refugio County as left by the First Legislature remained intact, with minor adjustments, until the creation of Bee County, by Act of December 8, 1857,<sup>12</sup> and the creation of Aransas County, Act of September 18, 1871.<sup>13</sup>

The Legislature created Refugio County as a Land District, by Act of May 12, 1846.<sup>14</sup>

With the advent of statehood and the security incident thereto, many of Refugio's colonists who had expatriated themselves during the Revolution or the soul-trying years which followed began to return home. Some of these, among them the Shellys, had been living in Louisiana for almost a decade. Others had lived in Mobile, and some few in Mexico. However, the principal concentrations had been at Houston, Harrisburgh, Brazoria, Matagorda, Texana, Fort Bend, and Victoria.

Dr. Bracht visited Victoria in 1845. In his *Texas in 1848* he places the population of Refugio (1845) County at 187, with 55 voters. Of that population Copano had 50 inhabitants, while the town of Refugio had only 40. He comments on Refugio County:

"The first colonists, coming over in considerable numbers, were Irish immigrants, destined for the grant of Empresario Powers, located at Refugio and San Patricio. The Texan War of Independence ruined these prosperous settlements completely and scattered the settlers. A large number of them withdrew to Victoria on the Guadalupe and to Petersburg on the La Vaca. When I came to this county in the spring of 1845, I found many Irish families in the town of Victoria, making preparations to move back to their lands on the Copano Bay and on the Nueces River. Several of them kindly invited me to visit them there, but I did not have the time or opportunity to do so. From everything I have been able to learn through acquaintances about conditions there, I judge that these good people are doing well now [1848]. Mr. Powers does not seem to have gained considerable wealth from his undertaking as empresario, but several of his enterprising countrymen, who engaged in merchandising at Port La Vaca, Bexar and other places, have in a short while become the richest and most influential people in the country. The Irish settlements are prospering, but not in the same degree as the settlements in the interior. Because of drought and the lack of timber for building, the section occupied by them is much better suited for cattle raising than agriculture. Mosquitoes

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<sup>12</sup> *Commissioners Minutes* (See map pasted in the Minutes)

<sup>13</sup> G. L. IV, 883-884.

<sup>14</sup> G. L. VII, 3.

<sup>15</sup> G. L. II, 1540.



are less common there than in the east, [Pity the east;], and they disappear entirely beyond the low places to the Gulf. [Times must have changed since 1845]. I have been informed that virulent chills—and—fevers are not uncommon in San Patricio during late summer. However, as compared with East Texas, and especially the Western part of the United States, the districts settled by the Irish may be considered healthful regions.”<sup>15</sup>

Although many of the colonist families returned and there was a healthy influx of new-comers, a great many of the old-timers did return; and several of the resident families moved to Corpus Christi, which, following the army rendezvous there, underwent a boom. Among the Refugians who were among the earliest settlers of the city of Corpus Christi were the Cody, Fitzgerald, Fitzsimmons, and Neal families, and branches of the Dunn, Hart, and Wilson families. In later years Corpus Christi was enriched by the coming of branches of the Refugio Driscoll family.

The first district judge under statehood was Milford P. Norton, who was appointed by the governor on April 14, 1846. Judge Norton was at the time a resident of Houston, but came to his district shortly after his appointment.<sup>16</sup> Mrs. Norton's *Diary* states: “My husband was elected Judge in Western Texas and we removed to Corpus Christi in June, 1846. Henry [D. Norton] came in August of that year. In May 1847 he went to Monterrey as one of a company of rangers. He returned in August. [On September 21, 1847, he became post-master of Corpus Christi, succeeding William P. Aubrey, the first post-master.] In 1848 he opened a store at Copano where he lived for a time almost alone.”<sup>17</sup> The Milford P. Norton family moved to Refugio County in 1850.<sup>18</sup> Captain Thomas Newcomb was district attorney in early part of 1846 and was succeeded by C. W. Peterson. Captain Newcomb is the ancestor of J. Pearson Newcomb, historian, of San Antonio.

The first county officers elected under the state government were Benjamin F. Neal, chief justice, and Peter Hynes, Michael Whelan, Daniel O'Driscoll and Timothy Hart, justices; Cyrus E. Egery, justice of the peace and probate judge; Peter McDermott, assessor-collector, William St. John, treasurer, (also coroner); Walter Lambert, sheriff, and John W. B. McFarlane, county clerk; James Howlan, district clerk, William H. Jones, district surveyor.<sup>19</sup> At the meeting of August 31, 1846, the Commissioners declared the

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<sup>15</sup> Bracht, *Texas in 1848*.

<sup>16</sup> Huson, *District Judges of Refugio County*, 70. Huson, *Saint Mary's of Aransas*.

<sup>17</sup> Mary Stevens Norton, *Diary*. See Sutherland, *The Story of Corpus Christi*, 129.

<sup>18</sup> Huson, *El Copano*, 38, 39, 40.

<sup>19</sup> Huson, *Refugio Official Directory; Commissioners Minutes*.

office of chief justice vacant, because of the absence of Judge Neal (on war duties). Peter Teal was elected chief justice *pro tem*. An election was ordered held on September 19, to fill all vacancies in county offices. However, on October 26 we find Judge Neal still presiding as chief justice.<sup>20</sup>

The vacancies appear to have been filled so as to constitute the Refugio official family in the early part of 1847 as follows: Benjamin F. Neal, chief justice, and Daniel O'Driscoll, James B. Wells, Peter Hynes and Timothy Hart, justices; John W. B. McFarlane, county clerk; William St. John, sheriff; Patrick Shelly, assessor-collector; Walter Lambert, treasurer; William H. Jones, district surveyor; James Howlan, district clerk. Howlan also served as deputy sheriff during 1847.<sup>21</sup>

The Mexican war apparently engrossed the attention of most of the county officers so that they did not give the necessary time to their civil offices. On May 27, 1846, the Commissioners' Court passed an order requiring all county officers to spend a reasonable time in their offices and to keep a deputy on duty when they were absent.<sup>22</sup>

On December 10, 1846, a citizens' petition for a bridge across Melon Creek between Refugio and Copano was considered by the court. This is the first record of a public bridge to be found in the minutes. Edward St. John, Patrick O'Boyle, and Michael Fox were appointed commissioners of view.<sup>23</sup>

With development of legislation the licensing of public ferries was placed under the jurisdiction of the Commissioners' Courts of the several counties. During the Republic several well-known ferries had been established in this section of Texas. At Goliad George Claver Brightman had an early ferry at the Sabriego Crossing of the San Antonio.<sup>24</sup> A ferry near the same site was later operated by the Stribling family. Captain Carlos de la Garza at an early time had operated a ferry at the Carlos crossing of the San Antonio. Below this ferry was another operated by the Clays near Anaqua. Dr. Wellington, the Cromwells, and Bickfords had ferries farther down the San Antonio and Guadalupe. Kemper's Ferry on the Guadalupe has been spoken of.

On October 28, 1847, John White Bower, who had been operating a ferry for several years at the Carlos Crossing, presented his

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<sup>20</sup> *Commissioners Minutes*, I.

<sup>21</sup> *Huson, Refugio Official Directory*, 2-3.

<sup>22</sup> *Commissioners' Minutes*, I, 29.

<sup>23</sup> *id.* I, 30.

<sup>24</sup> Atkinson, *Charles Arden Russell* (Thesis).

petition to the Commissioners' Court for a permit to continue it. The petition was, of course, granted; and the rates of ferries fixed as follows:

Fifty cents for each wagon and carriage; five cents per head for animals; ten cents for a man and horse; five cents for a single (?) man; twenty-five cents for two-wheeled vehicles.

The same ordinance declared the road from the Mission of Refugio to Victoria by way of Bower's Ferry, to be a public road, and Colonel Bower himself was appointed road overseer, with authority to assign citizens of that section to road work duty.<sup>25</sup>

A Spring Term of the County Court was held in 1847, and in connection with it we have the first jury list of which there is a record in Refugio County. This list, which will give some idea of the electorate of the county in 1847, is as follows:

Thomas S. Tatum, John R. Baker, James A. Casterline, John Chain, Reuben Holbein, James B. Wells, Wm. H. Holbrook, William Caban, Arthur Gamble, Andrew Shaw, Wm. R. Roberts, A. McRae, Jno. Brown, Michael Duggan, James Fox, Mick Fox, Mich. O'Reilly, Edmund St. John, Francis Welder, Walter Lambert, John Hynes, John Welder, James Power, John W. Bower, Morgan O'Brien, John O'Brien, Pat O'Leary, Daniel Fox, John Fox, Garrett Fox, Edward Perry, James Fagan, Thomas O'Connor, Pat Fitzsimmons, Lawrence Dornier, Nicholas Fagan, William Kuykendall, Robert J. Holbein, Moses Simpson, Wm. J. Patrick, John Dunn.<sup>26</sup>

The second general election under statehood was held on November 1, 1847. So that the result in Refugio County may be better appreciated it will be stated that the canvass of the ballots over the state showed the election of George T. Wood as governor and John A. Greer as lieutenant-governor.<sup>27</sup> Benjamin F. Neal was elected legislative representative from the Refugio district. The following is the result of the election in Refugio County: For governor, J. B. Miller, 42 votes; for lieutenant-governor, Edwin Waller, 40 votes; for representative, Benjamin F. Neal, 26 votes, and James Power, 19 votes; for chief justice (Refugio County), John White Bower, 25 votes, Patrick Shelly, 22 votes; for sheriff, Michael Duggan, 48 votes; for justice of the peace, John Fox, 27 votes; for major-general (of the state militia), John J. Tumlinson, 11 votes, Benjamin McCulloch, 3 votes, Andrew Neill, 29 votes; for colonel [Darwin] M. Stapp, 9 votes.<sup>28</sup>

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<sup>25</sup> *Commissioners' Minutes*, I, 37.

<sup>26</sup> *Miscellaneous Minutes* (1841) Office Co. Clerk. Com. Minutes, Brands, etc.

<sup>27</sup> Brown, *History of Texas*, II, 346.

<sup>28</sup> *Commissioners' Minutes*, I, 40.



The county officers elected in the general election of 1847 were: John White Bower, chief justice, and James B. Wells, Daniel O'Driscoll, Timothy Hart, and Michael Whelan, justices; John W. B. McFarlane, county clerk; Michael Duggan, sheriff; Patrick Shelly, assessor-collector; Walter Lambert, treasurer; Patrick O'Boyle, justice of the peace; John Shelly, district clerk; William H. Jones, district surveyor.<sup>29</sup>

Colonel Bower appears not to have been very active in his office, as the minutes show Captain James B. Wells to have been chief justice *pro tempore* at most of the sessions of the court. Bower was in bad health and suffered from a bad wound, which he had received in an Indian fight. He died at his home at the Carlos Crossing on January 13, 1850.<sup>30</sup>

The Minutes of January 10, 1848, show that Henry L. Kinney resigned as senator and that an election was called through the senatorial district to elect his successor.<sup>31</sup> However, the official registers show that Kinney continued to act as senator, without a successor until 1853.<sup>32</sup>

The Spring Term of the district court, for 1848, appears to have been held in the county, with all formalities, Judge Norton presiding. In order to provide a place for the holding of court, the old Mission being now in a state of ruin, a house was rented from Michael O'Reilly, and Patrick O'Leary was hired to put the place in suitable condition.<sup>33</sup> A list of the jurors, who were drawn on December 27, 1847, for service at the Spring Term<sup>34</sup> and which is the first district court jury list now extant, is as follows:

Daniel Sharp, Michl. O'Reilly, William St. John, John Fox, Richd. Allen, Thos. O'Connor, Walter Lambert, Wm. Kuykendall [Kuykendall], Pat O'Leary, John Hynes, Pat Fitzsimmons, Moses Simpson, Daniel Fox, Pat Shelly, Jas. W. Byrne, Hen-Scott, Wm. Stewart, Wm. Calban, [Wm. J.] Hays, Francis Welder, Thos. Welder, Morgan O'Brien, Chas. H. Pearson, Archd. McRae, John Welder, John O'Brien, Hatch, John Shelly, John Dunn, Jas. Fox, Jas. Fagan, Fowler, Edwd. I. Ayres, Jas. A. Casterline, Michael Fox, Edwd. Perry.

The first record of the division of the county into election and justice of the peace precincts is contained in the minutes of April 12, 1848. Three justice of the peace precincts were established,

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<sup>29</sup> Huson, *Refugio Official Directory*, 3.

<sup>30</sup> Lindley, *Biographical Directory*, 54-55: Huson, *El Copano*, 42, in which date of Bower's death erroneously given as January 13, 1847. See also Philip Power, *Memoirs*.

<sup>31</sup> *Commissioners' Minutes*, I, 41.

<sup>32</sup> Lindley, *Directory of State Legislature*.

<sup>33</sup> *Commissioners' Minutes*, I, 38.

<sup>34</sup> *Miscellaneous Minutes and Records*.



No. 1 containing the town of Refugio; No. 2 the San Antonio River area and False Live Oak Point; No. 3 containing the coastal area, including Live Oak Point and St. Joseph's and Mustang Islands. Four election precincts were created, with voting boxes fixed, and election of officers named for 1848. Precinct No. 1, Refugio, Edward St. John, judge; Precinct No. 2, Nicholas Fagan's house, William Kuykendall, judge; Precinct No. 3, Lamar, James W. Byrne, judge; Precinct No. 4, St. Joseph's Island, James B. Wells, judge.<sup>35</sup>

In the election of 1848 Edward Perry and Thomas O'Connor were candidates for commissioner for the San Antonio River justice's precinct. On the face of the returns Perry appeared to have been elected by a very few votes margin. O'Connor appeared before the County Court and contested Perry's election. His protest, which is spread upon the minutes for August 29, 1848, furnishes an interesting side-light upon the political methods of that period. Passing years have seen refinements but no basic changes in the methods of yore. O'Connor's protest was as follows:

"To the Hon. County Court of Refugio Co.

"The grounds upon which I contested the election of Edward Perry to the office of County Commissioner are plain and easily established by eye witnesses to the facts.

"I will first show to the Hon. County Court that the following votes taken in at Precinct No. 4 were illegal, viz: *1st.* John M. Rivers, who was only a week or fortnight in from Vera Cruz. He came aboard of one of Col. Kinney's boats to Corpus Christi, and who was as I understand a clerk at the time for Col. Kinney; he was besides a citizen of Corpus Christi previous to his going out to Mexico, as may be seen from the County Clerk's books at Corpus, and consequently he could not become a citizen of this county in the few days after his return. *2nd.* The vote of Mr. Evans was an illegal vote. He is a citizen of Corpus; there his name is registered as such; he is well known to be a citizen of that place and exercised there the privileges of citizenship, whereas he is not known in this county as citizen, nor exercised ever before any such privileges. Not only that but Mr. Evans acknowledged that he was a citizen of Corpus, but said that he was entitled to vote in either county; so that you can see, gentlemen, that Mr. Evans is a privileged character, claiming rights of citizenship in two counties at the same time. And now then, I would ask the County Court can Mr. Evans be six months previous residence in the one and the other county, which the Constitution requires, before the day of election, and as [to] Captain Roberts he is well known to be a citizen of

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<sup>35</sup> Commissioners' Minutes, I, 44-46.

Corpus Christi. He has been laboring there better than six months back; and where is a man's residence if it is not where he is working and living, where he gets his washing and boarding; all of which Captain Roberts gets at Corpus Christi and consequently he is a citizen of that place and not of Refugio County. With regard to Mr. Sherman, he himself has acknowledged that the last place he voted was at Indian Point, that he knew nothing about the election until the Belle of Lamar was sent out to Corpus Christi Pass, after him; that he was never told for what he was wanted until he came up to the Poll, when a ticket was placed in his hand which he voted. Now, gentlemen, if Mr. Sherman be a citizen of this county, so is any traveller that passes the road through the county. He has, it is true, been running a boat between Indian Point and Corpus Christi, touching at times at other points in the Aransas Bay, where perhaps he stayed an hour or two to cook or stoped [sic] a few days to take refreshments, but does that make him a citizen? Is that complying with the Constitution which requires that a man must be six months previous residence in the county before he is entitled to vote. But it is something like the vote of Mr. Piratt [Pratt] who because he gave an illegal vote here when a ranger and in the service of the United States, and in violation of the Constitution which clearly prohibits it, and then because he was allowed to give another illegal vote for Representative last December when he was only a few days in from Mexico, he had the boldness to come down the last time from Corpus where he was living and give in his vote. Now because Mr. Peratt gave two illegal votes in this County, will that make his last vote a legal one? No, gentlemen, I believe not. I would like to know what the Honorable County Court understand by residence. I desire that the County Court would explain the word residence and the term six months previous residence, to be entitled to vote in the County for County officers? Does it mean here to-day and away tomorrow—or to pass a few days in the County or a month out of it? What I understand, gentlemen, by residence, is the place of abode, a home, a place where a man gets his washing and boarding; where he lives and can be found; but where is the citizen in the county [who] can point out to me the *home* or *residence* or *dwelling* or place of *abode* in the County of either Messrs. Peratt, McRivers, Evans, Roberts or Sherman;—on the contrary the resting or stopping place of these men can be pointed out in other counties, and even if they could not that would not entitle them to citizenship in this county until they had resided six months in the county, and where is the citizen in the county that can conscientiously come forward and swear that those men are citizens when we know that the greater

number of them are citizens of the adjoining counties. The Hon. County Court will not then, I hope, allow the county to be humbugged as it was last December when citizens of Calhoun County voted in this for Representative, neither shall it permit that the County be ruled and governed by men who are not the citizens nor can have any interest in it; who are only citizens to vote and never found in the county but on the day of election. When the Belle of Lamar or some other Belle goes to Corpus Christi, packs votes from there to the election and then returns with them as soon as the polls are closed, if such things are permitted to go on how can our county prosper; where is the justice if such things be connived at! You all well know, how they took in, last December, illegal votes in that Precinct; it was well known here and in Calhoun County that Mr. Holbrook and others were citizens of that county. We have, gentlemen, long enough been imposed upon. It is now full time to put a stop to such work. It is now in the County Court's power to exterpate [sic] this growing evil in the land and I hope it will do it, and that it will show to the honest voters of the county that they cannot be put down by men who have no voice in this county, and who were collected together on the day of election by men who only look to obtain their own ends.

"My second ground is the information of the returns from Precinct No. 4. All I will say on this head, is, to beg that the County Court would examine them and see if they are made in accordance with law. I would like to know what has become of the voters names, and who did vote there, and of what use was it to have two clerks of election to take down the voters' names, if the both copies are retained by the presiding officer. The fact of it, is, gentlemen, it was thought we could not find out who voted or who did not vote and consequently that we would be unable to find out which voters were spurious, but enough has been said on this point to show the illegality of the returns. My third and last ground is of minor importance, viz: that the election was not carried on according to law, neither was it, for toward the close of the election one of the Judges acted as clerk; but it is not to either of the last points that I would direct the attention of the Court. All I request is that the Hon. County Court would determine as to the legality of the votes of those men whose votes I contested, and pronounce whether men who are citizens of other counties, whether men who can never be found in the county but on the day of election, whether men who pass through the county or who remain but a few hours or days at a time in the county without having in it either a home or



residence be citizens of our county. If so, gentlemen, I do not understand the words of the Constitution."<sup>36</sup>

The minutes recite that Perry, who had been summoned having not made his appearance, that Thomas O'Connor was recognized as duly elected to the office of County Commissioner for Justice's Precinct No. 2.<sup>37</sup>

The county officers in the fall of 1848 were Walter Lambert, chief justice; Michael Whelan, Timothy Hart, Daniel O'Driscoll, and Thomas O'Connor, justices; John W. B. McFarlane, county Clerk; John Hynes, sheriff; Patrick Shelly, assessor-collector; John Shelly, treasurer; David Snively, district surveyor; John Shelly, district clerk; Patrick Curling, bailiff. The road overseers for 1849 were Matthew Cody, Precinct 1; Daniel Fox. Precinct 2; and James W. Byrne, Precinct 3.<sup>38</sup> Captain James B. Wells was appointed Wreck Master for Refugio County in 1848.<sup>39</sup>

The townsite of Saluria has been mentioned already. In 1847 Colonel Power turned over its active promotion to General Somervell's syndicate, and directed his personal efforts to other fields. Few, if any profits accrued to him from the Saluria venture. Somervell met his death in a mysterious manner in 1854<sup>40</sup>, and in 1856 the Legislature authorized patents to issue to Thomas Toby, William Bryan, James Irvin and others covering Matagorda, St. Joseph's, Hog, and Mustang Islands.<sup>41</sup> The Supreme Court shortly before had invalidated Power's titles.

Aransas City seems to have gone out of existence by 1846, but nothing dismayed Colonel Power turned his attention to promoting a townsite at Copano. Joseph E. Plummer, as has been related, had built a one-story shell-concrete house at Power's Point. A short distance from this house was the gigantic shell concrete underground tank, which had been used for many years previously for supplying ships with fresh water. The Plummer home was also near the old Mexican custom house, which had been subsequently used by Colonel Power as a warehouse, and which is referred to in early day surveys as "Copano House."<sup>42</sup>

Despite Plummer's claim to the land, a small community had grown up at what is known as the town of Copano, about a mile up the bay from Power's Point. The exact date of the beginning of

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<sup>36</sup> *Commissioners' Minutes*, I, 49-52.

<sup>37</sup> *Commissioners' Minutes*, I, 52.

<sup>38</sup> *Huson, Refugio Official Directory*.

<sup>39</sup> *Deed Records*, C, 459.

<sup>40</sup> *Lindley, Biographical Directory*, 174.

<sup>41</sup> *G. L. IV*, 509-510.

<sup>42</sup> *Huson, El Copano*, 34-39; Philip Power, *Memoirs*; Evidence of J. Stuart Boyle, in *Hornburg v. O'Connor*, Refugio D. C.



the townsite is now obscure, but it was probably anterior to 1845. The town was surveyed and platted by Lyman H. Ward, surveyor, prior to 1847. Associated with Power in this enterprise were Robert J. Walker and Duncan S. Walker, and, later on, probably Robert A. Hughes. Robert J. Walker, who died prior to 1849, had an one-eighth interest in the townsite. Duncan S. Walker died prior to 1850, and Power carried on the venture as surviving partner.<sup>43</sup>

Among the early settlers of the Town of Copano were John Burke, Matthew Cody, Michael Erskine, John M. Glynn, Walter Lambert, James Lambert, Nicholas Lambert, Bernard McDermott, Charles G. Norton, Henry D. Norton, John Norton, John O'Brien, William Prescott, John Shelly, Patrick Shelly, Charles Smith, John Sutherland, Duncan S. Walker, Robert J. Walker, Lyman H. Ward. Colonel Power began building a new two-story shell-concrete home at Power's Point, in front of the Plummer house, in 1849 or 1850. General Henry Stuart Foote, the historian, lived for a while at Copano. Henry D. Norton opened a store at Copano in 1848.<sup>44</sup>

Judge Milford P. Norton, at the end of his term, moved from Corpus Christi to Refugio County. Mrs. Norton says, "In 1850 we moved from Corpus Christi to Copano and lived in the rear of Henry's store while building a house at Refugio, 14 miles above on Mission River. January 8, 1852, removed to Refugio." In the meanwhile Charles Gilman Norton joined his brother in the mercantile business, and the firm opened a second store at Refugio. Judge Norton acquired several hundred acres in the Corn Bend of Mission River, and built a fine brick residence on what is still known as Norton's Hill.<sup>45</sup>

The Republic of Texas, in order to more quickly develop the country, made several contracts with *empresarios* to introduce both American and European colonists. Among these contracts were those with Prince Solms-Braunfels and his aristocratic associates for the introduction of German colonists, and with Henry de Castro for colonization of Alsatians. It has been stated that some of the German colonists who settled Guadalupe, Gillespie, Mason, and Comal counties entered the republic through the port of Copano; but this statement the author has been unable to confirm.

Henry de Castro's colonists began arriving at Port Lavaca and

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<sup>43</sup> Philip Power, *Memoirs*; James Power, *Papers*; Milford P. Norton, *Papers*; Deed, Power to Walker, May 21, 1847, *Deed Records*; See various deeds from Power, as surviving partner, *Deed Records* C, 357, 536, 539, 540.

<sup>44</sup> Mary Stevens Norton, *Diary*, Deed from Power to H. D. Norton, Dec. 29, 1849, *Deed Records*; Huson, *District Judges of Refugio County*, 69, et seq. Huson, *Saint Mary's of Aransas*.

<sup>45</sup> Huson, *El Copano*; Philip Power, *Memoirs*. Thomas Patrick Shelly, et al, *Affidavit in Regard to Mitchell Title*.

other nearby ports in 1843, and the next year founded the town of Castroville, in Medina County. Castro's contract was not to expire until January 15, 1850; and the *empresario* contemplated bringing several more groups before its expiration date.<sup>46</sup>

Colonel Power saw business opportunities in connection with Castro's contract and in 1846 organized the firm of *J. Power & Co.* to do business with Castro. Who the members of this firm were is now obscure, but it would seem that Volney E. Howard was an ostensible partner. The negotiations with Castro were conducted principally by Howard at Galveston.

On November 27, 1846, a contract was made and signed by Henry Castro and *J. Power & Co.*, whereby it was agreed that for the purpose of making an experiment of landing German Emigrants at Copano and transporting them to Castroville, Castro would land fifty emigrants with their baggage at Copano, and *Power & Co.* would cart the baggage to the colony, and would protect the immigrants enroute from the Indians.<sup>47</sup>

The final contingent of Castro colonists arrived in Texas in 1847 and settled D'Hanis.

The townsite at Black Point was still marking time as the decade ended. Joseph F. Smith was patiently awaiting the outcome of the litigation between himself and Power. In 1848 the Colonel belatedly attempted to strengthen his titles. On June 28 he put Fram Milton in possession of the whole of the Black Point area as his tenant.<sup>48</sup> Power's litigation with Governor Henry Smith in Brazoria County, the governor's old bailiwick, had back-fired; and instead of Power recovering judgment on Smith's promissory notes, the latter had recovered a judgment against Power in excess of \$20,000; This was now on appeal.<sup>49</sup>

A few settlers had moved to Black Point. The most notable of these was Major John H. Wood, who on August 15, 1849, bought out the holdings, cattle and all, of Peter Doren.<sup>50</sup> The major made his peace with Joseph F. Smith and got a quit-claim to 144 acres, including the Doren house and curtilage of 14 acres. Wood shortly razed the Doren place and replaced it with a long, rambling residence, built partly of lumber and partly of natural stone or shell-

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<sup>46</sup> Waugh, *Henry Castro and Castro-Ville*. (The author Mrs. Julia Nott Waugh is a granddaughter of Dr. Rufus A. Nott who settled at St. Mary's before the Civil War, and afterwards became one of the first settlers of Rockport.

<sup>47</sup> Contract, *Le Directeur General de la Societe de Colonization du Texas* and *J. Power & Co.*, November 27, 1846, *James Power Papers*. Proclamation of Contract, February 15, 1842, Williams, *Writings of Sam Houston*, II, 1483.

<sup>48</sup> Deed Records, C., 429-430.

<sup>49</sup> Deed Records, C., 429-430.

<sup>50</sup> Deed Records, C., 491; See also C., 503.

concrete. There was a garret under the roof, which was used as sleeping quarters. The place was surrounded by a palisade of oak logs, and made a good fort against the Indians. Within the enclosure were concrete barns and silos. This was the Wood ranch home until 1879, when the palatial mansion, now standing at Bayside, was built on the identical ground.<sup>51</sup>

The major's brothers-in-law—Henry, John, and William Clark—were then living at Black Point. On September 25, 1849, Wood traded William Clark 1,200 stock cattle, taking a 15 year old negro girl named Jane in payment.<sup>52</sup> John Clark had been a Power colonist. The three Clark brothers were Texian veterans and all experienced frontier fighters.

The town of Lamar had waned with the Texian Republic. There was still some population left there, but Captain Byrne and his associates beheld greener pastures for promotion in St. Joseph's Island. The settlement known as Aransas, at the west end of the island was replaced by the village of St. Joseph. Captain Byrne seems to have spent considerable time on the island, if he did not in fact live there. The years 1847-1848 were the hey-day of the island until the Johnson families moved to St. Joseph. There was a large and active population on the island, as we have seen. Captain James B. Wells seems to have been the principal citizen.<sup>53</sup>

About this time the prospects of the town of Lamar began to look up. Colonel Pryor Lea, who had been a congressman in Tennessee, moved to Goliad after annexation. His purpose in coming to Texas was to promote railroads. He found that a West Texas port was greatly desired, and he believed that the Aransas Bay area was the most logical for such a port. In 1847 he made preliminary surveys for a railroad connecting Goliad with Lamar. From Goliad the railway would be extended to San Antonio. He shortly became associated with Captain Byrne and his partners in the projected building of a great western port at Lamar (which was renamed *Treport*), and the railroad line to Goliad.<sup>54</sup> More of this in a succeeding chapter. Captain Byrne then transferred his affections back to his first love and induced a number of his islanders to leave St. Joseph's and move to Lamar, or Treport. Among these was Moses Simpson, who had come to Texas with Taylor's army and had been discharged at Corpus Christi.<sup>55</sup>

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<sup>51</sup> Huson, *Saint Mary's of Aransas*, Ch. II.

<sup>52</sup> Deed Records, C, 504-505.

<sup>53</sup> Deed Records, C, 339-347.

<sup>54</sup> Huson, *Saint Mary's of Aransas*.

<sup>55</sup> Huson, *El Copano*, 37, 41, 43-45.



The most substantial development in the county, during this decade, was at the town of Refugio. After annexation, the town government was re-organized under the congressional charter of February 1, 1842. Captain Isaac W. Johnson became mayor in 1847,<sup>56</sup> and, between frontier services with his ranger company, found time to have the subdivision of the four-league grant into farm tracts, begun. The area on both sides of the Mission River, below the town, was surveyed by George Lyon in 1847 or 1848; and the first auction of farm timber lots was held in 1848. The first subdivision was immediately sold out, and David Snively was employed to make further subdivisions. Auction sales of farm, timber, prairie, and post-oak lots were held annually until about the time of the Civil War.<sup>57</sup>

Most of the purchasers settled on their farm lots. The grantees of farm lots to about 1860 were as follows:

Joseph Alberson, Rafael Aldrete, James A. Ballard, Benjamin Barber, John Barber, Mansfield Barlow, William Baxter, J. B. Bigelow, General Jackson Brown, Sabina Brown, Thomas Brown, J. T. Bruce, R. H. Calhoun, Lewis Campbell, Wm. E. Campbell, John Canning, T. P. Caul, Matthew Cody, Wm. T. Colville, John Connally, John Coughlin, Isaac Decker, John Decker, Louisa J. Denton, Peter Doran, James Dorman, Wm. J. Dorsett, Andrew L. Doughty, Daniel C. Doughty, James M. Doughty, J. A. M. Doughty, Patrick Downey, Festus Doyle, Charles E. Dugat, Peter Dugat, Zumelein Dugat, John Duggan, A. M. Dunman, Daniel Dunman, Robert L. Dunman, Lewis P. Dykes, William Fagan, John F. Fenner, Reason Ferguson, Mary Finley, Daniel Fox, Michael Fox, James Gallagher, Arthur Gibson, John M. Glynn, Elizabeth Gravis, Elizabeth Hart, Timothy Hart, R. A. Hasbrook, Ann Hathaway, Wm. J. Hay, Wm. Hearne, Wm. W. Holbrook, John Holcomb, H. C. Huddleston, John Huddleston, Wm. J. Huddleston, John Hynes, G. W. Jones, Nicholas Lambert, Walter Lambert, Julius F. Leisering, S. C. Lester, Henry Levi, Elizabeth Hare Lockwood, John Lockwood, Exum Luter, Luke, George Maley, Elizabeth Manuel, James A. McFaddin, Jesse Manning, William Manning, Samuel S. Mapes, Amos Martin, John Martin, Robert Martin, Charles Mayarle, Milam Maynard, Nelson Maynard, James A. McFaddin, J. W. B. McFarlane, James McGrath, C. P. Miles, James Murphy, Charles G. Norton, Henry D. Norton, Milford P. Norton, John B. Nuner, Wm. P. Nuner, Bridget O'Boyle, Patrick O'Boyle, G. J. O'Brien, Michael O'Connell,

<sup>56</sup> Huson, *Refugio Official Directory*, 113.

<sup>57</sup> *Sales Book of Town of Refugio; Refugio Town Minutes; Refugio Deed Records.*



Thomas O'Connor, David Odem, Catherine O'Driscoll, Patrick O'Leary, John O'Sullivan, J. B. Patterson, Wm. Pierpont, E. J. Rancier, A. C. Reed, John A. Richardson, Samuel M. Robinson, Elizabeth B. Rogers, Lieuen M. Rogers, G. W. Routt, Edward St. John, William St. John, Henry Scott, John Scott, Wm. W. Shaw, Patrick Shelly, Wm. Sheriff, Moses Simpson, Henry Stagner, Sophronia A. Stagner, Cornelius F. Stubbs, John R. Talley, Thomas S. Tatum, Mary Tevis, Louis Thibeau, John H. Thurmond, Pulaski A. Thurmond, John J. Tumlinson, Thos. W. Uzzell, Wm. J. Watson, Thomas Webb, Michael West, Michael Whelan, A. M. Wigginton, Henderson Williams, Henry B. Williams, Jeptha Williams, Joel P. Wofford, Joseph F. Yale.<sup>58</sup>

Some of the notable new-comers to the county between 1845 and 1850 were: Thomas Marshall Duke, who had been alcalde of the municipality of Austin and collector of the port of Matagorda; General Henry Stuart Foote, the historian; Captain Lindsay S. Haigler,<sup>59</sup> Reuben and Robert J. Holbein, Captain Isaac W. Johnson,<sup>60</sup> William Kuykendall, a son of Captain Abner Kuykendall; Judge Milford P. Norton and his sons, Henry D. and Charles G.; Captain Thomas Newcomb; David Odem (founder of the San Patricio County family of that name); Moses Simpson, Captain David Snively, and Henry F. Snively, brothers of General Jacob Snively; Thomas S. Tatum, Captain Alfred S. Thurmond, Captain L. T. (Tarlton) Tucker, Judge Robert J. Walker, of Mississippi, Captain James B. Wells, and Major John H. Wood.

Among the old-time citizens who returned during the same period were: Captain John R. Baker, who with Israel Canfield, had gone to Calhoun County after their release from Perote. Canfield died in Calhoun County and Baker went to Saluria; James A. Burke, George M. Collinsworth, who had been collector of the port of Matagorda, Patrick Downey, Daniel O'Driscoll and his wife, Catalina Duggan, colonist, John Duggan, Michael Duggan, Daniel Fox, Michael O'Boyle, Michael O'Donnell, John Shelly, Patrick Shelly, Francisco, and Pablino de la Garza.

The Daniel Fox family should be given some special mention. It was not related to the Colonel Fox families. Daniel Fox, Jr., afterwards mayor of Refugio, married Mary Fox, daughter of James Fox, colonist. Daniel Fox, Sr., his wife and children, including Daniel, Jr., Garrett and John Fox, immigrated from Indiana to the Rio Grande in 1837. They lived in what is now Cameron County

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<sup>58</sup> This list which covers the period to about 1860, compiled from deed and abstract records.

<sup>59</sup> Lindley, *Biographical Directory*, 78.

<sup>60</sup> *op. cit.* 93.

from December, 1837, to November, 1841, near the O'Boyles. In 1841 they moved to Refugio, but, because of the raids, went to Victoria. The family moved back to Refugio in 1844, when Daniel Fox, Sr., died. His wife died at Refugio in 1852.<sup>61</sup> Daniel, Jr., after his father's death lived on the San Antonio River, and also in Victoria County. He was back in Refugio County in 1846.

From Jury Lists and other sources there lived in Refugio County between 1846 and 1850, the following:

Joseph Albertson, Thomas Amarco, William Andrews, Edward I. Ayres, John R. Baker, Catherine P. Benoit, Peletiah Bickford, Alexander Boatwright, John W. Bower, Biven Brook-  
ing, John Brown, James A. Burke, James W. Bryant, William Byrne, Wm. Cabban, Jonas A. Casterline, John Chain, Henry Clark, John Clark, Wm. Clark, Matthew Cody, Geo. M. Collinsworth, Patrick Curley, Peter Doren, Laurence Dornier, Patrick Downey, Daniel O'Driscoll, John Duggan, Michael Duggan, Thomas M. Duke, John Dunn, Cyrus W. Egery, James Fagan, Nicholas Fagan, Edward Fitzgerald, Patrick Fitzsimmons, Fowler, Daniel Fox, Garrett Fox, James Fox, John Fox, Michael Fox, H. S. Foote, Luke Freeman, Arthur Gamble, J. M. Haigler, Elizabeth Hart, Timothy Hart, George C. Hatch, William J. Hays, Reuben Holbein, Robert J. Holbein, William Holbrook, James Howlan, John Hynes, Peter Hynes, Isaac W. Johnson, W. H. Jones, William Kuykendall, Walter Lambert, David Lloyd, J. W. B. McFarlane, Peter McDermott, Archibald McRae, Charles Hays Miller, Fram Milton, Benjamin F. Neal, Thomas Newcomb, Henry D. Norton, Patrick O'Boyle, Peter O'Boyle, John O'Brien, Morgan O'Brien, Thomas O'Connor, David Odem, Daniel O'Driscoll, Patrick O'Leary, Michael O'Reilly, Charles H. Pearson, Edward Perry, James Power, Wm. J. Philips, Wm. J. Prescott, Anastacio Reojas, Wm. R. Roberts, Edmund St. John, Edmund St. John, Jr., Edward St. John, William St. John, Henry Scott, John Scott, Daniel Sharp, Andrew Shaw, John Shelly, Patrick Shelly, Anthony Sideck, Moses Simpson, Joseph F. Smith, David Snively, Wm. Stewart, Thomas S. Tatum, Peter Teal, Alfred S. Thurmond, L. T. Tucker, Lyman H. Ward, George Wadsworth, Duncan S. Walker, Robert J. Walker, Francis Welder, John Welder, Thomas Welder, James B. Wells, Michael Whelan, John H. Wood, Felix Woodward.

Captain Isaac W. Johnson, mayor of Refugio in 1847-1848, was stabbed to death by Bevan Brooking at Goliad on October 18, 1849. He died the next day. Lindley says: "A man of considerable

<sup>61</sup> *Minutes of County Court, Sitting as Land Board, February, 1861.* These Minutes are in District Clerk's office. See evidence of Daniel Fox, Jr., Michael O'Boyle, Bridget O'Boyle, et al, pages 1 to 8, in re: Application of Daniel Fox for land certificate.

property, the Colonel, just before he died, freed two of his negro slaves and gave to each five thousand dollars." Brooking was a citizen of Refugio County. After his attack on Captain Johnson he left the country.<sup>62</sup>

The most notable loss to the citizenship was Judge Benjamin F. Neal, who removed to Corpus Christi, to become general counsel to Colonel Henry L. Kinney. Judge Neal labored as hard for the up-building of Corpus Christi as he had done to keep Refugio County intact during its most critical period. He established a newspaper at Corpus Christi, became the first mayor of that city, served several terms in the legislature and on the district bench, and was a distinguished officer in the Confederate army.<sup>63</sup>

James Murray Doughty thus describes Refugio County in 1859:

"The Espiritu Santo, Aransas and Mission Bays all afford facilities for navigation, and the Aransas and Mission Rivers are navigable for sail-boats drawing three or four feet of water.

"Refugio has 3 dry-goods stores, 2 public hotels, 1 private boarding house, 3 churches, 2 schools, 2 physicians, 1 dentist and 1 lawyer, no drinking shops and no paupers.

"There are yet the remains of an old mission at Refugio, that was used by Captain King as a fort. How long it has been since it was built I do not pretend to say, but its weather-beaten and mossy walls evidence great antiquity. There is now a neat chapel built of a portion of its dilapidated walls, which is used as a Catholic Church."<sup>64</sup>



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<sup>62</sup> Lindley, *Biographical Directory*, 114.

<sup>63</sup> Huson, *Saint Mary's of Aransas*; Huson, *District Judges of Refugio County*, 81-84; Sutherland, *The Story of Corpus Christi*; *Caller-Times, Corpus Christi, a Guide*, 85, 102, 104, 115, 203-204. *Estate of B. F. Neal*, Probate Records Nueces County. His portrait is in the District Court room at Refugio.

<sup>64</sup> *Texas Almanac*, 1859.

## CHAPTER XXX

### THE DEVELOPMENT OF COUNTY

#### PART ONE

**T**HE CENSUS of 1850 showed Refugio County to have a population of 288, practically all white. In 1856 population was 959 whites and 185 slaves. The census for 1860 gave the county a total population of 1600, of which less than 200 were slaves.<sup>1</sup> The story of how the population more than quintupled within one decade must be related in two sections, the first covering the period before the rise of the town of St. Mary's in 1857-1858, and the second dealing largely with that interesting episode.

A study of the facts reveals that a higher percentage of the population which came before St. Mary's got under way is still represented in the present day population than of the population which settled at St. Mary's and its environs. Therefore, it should be interesting to examine and analyze the following list of heads of families who were living in the county between 1850 and 1857:

Benjamin Adams, Francis Adams, William Adams, S. F. Aiken, Jonas A. Albertson, Joseph Albertson, Jose Miguel Aldrete, Rafael Aldrete, Trinidad Aldrete, William Andrews, Gregorio Arcienega, John Armstrong, James Ballard, James Ballou, Julius Ballou, S. T. Ballou, Benjamin Barber, John A. Barber, Mansfield Barlow, C. H. Beauchamp, W. C. Benson, Peletiah Bickford, Israel B. Bigelow, Samuel I. Bishop, L. A. Boudreau, R. L. Breeding, General Jackson Brown, Jeremiah T. Bruce, John Burke, J. M. Busby, Charles Byrne, James W. Byrne, John Byrne, Martin L. Byrne, Patrick Byrne, Richard T. Byrne, Thomas K. Byrne, C. W. Campbell, Lewis Campbell, W. H. Campbell, Patrick Carling, John Carney, Dr. Thos. N. Carter, Michael Cassidy, Jonas A. Casterline, John Chain, Henry Clark, John Clark, William Clark, Thos. B. Clubb, Matthew Cody, John Conally, John Corrigan, John Coughlin, Peter Cowen, J. M. Crandall, Pedro N. Curbello, Lewis H. Danton, John Decker, Louisa J. Denton, James Dorman, Wm. J. Dorsett, A. L. Doughty, Daniel C. Doughty, James M. Doughty, Joseph C. Doughty, Patrick Downey, Festus Doyle, Chas. E. Dugat,

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<sup>1</sup> G. L. III, 513; *Texas Almanac*, 1936, 142; Thrall, *History of Texas*, 765.



Julia Ann Dugat, Peter Dugat, Zumelin Dugat, John Duggan, Michael Duggan, Thomas M. Duke, Daniel Dunman, Robert L. Dunman, John Dunn, Cyrus W. Egery, James Ellison, Edward Evans, James Fagan, Joseph Fagan, William Fagan, Edward Fennessy, Patrick Fitzsimmons, Benj. F. Folk, Daniel Fox, Garrett Fox, James Fox, John Fox, Michael Fox, James Gallagher, Arthur Gamble, Carlos de la Garza, Francisco de la Garza, Jose Ma de la Garza, Pablino de la Garza, Arthur Gibson, Thomas Gibson, Charles Gilmore, John M. Glynn, Jacob Graf, Patrick Hart, Timothy Hart, William Hassell, D. M. Hastings, L. D. Hastings, G. C. Hatch, Wm. J. Hays, Allen J. Heard, Joel Heard, Thos. C. Heard, James Hews, John Hews, A. B. Holbrook, William H. Holbrook, E. Huddleston, John Huddleston, Joel D. Hughes, James Humphries, John Hynes, William Hynes, Richard Insall, Thomas Jenkins, Peter Johnson, Theodore Johnson, Wm. H. Jones, Caleb Jordan, Tully Kemp, G. Kirbe, Henry Kohler, Henry L. Kroeger, Abner Kuykendall, Elizabeth Miller Kuykendall, Thomas Kuykendall, William Kuykendall, Walter Lambert, Vincent Land, Abram H. Lea, Daniel Lloyd, Elizabeth Hare Lockwood, John Lockwood, John D. Logan, Exum Luter, William Manning, Adam Manuel, Samuel S. Mapes, James Martin, John Martin, Robert Martin, Hugh May, Nelson Maynard, James R. McCarty, U. R. McDaniel, J. W. B. McFarlane, James McGrath, James McGrew, John McGrew, William McGrew, Dr. McKinney, James McMillan, Archibald McRae, Murdock McRae, Robert Mercer, Chas. P. Miles, A. Moser, James Murphy, Philip D. Newcomb, Charles G. Norton, Henry D. Norton, John H. Norton, Milford P. Norton, John B. Nuner, James O'Brien, John O'Brien, Morgan O'Brien, Michael O'Connell, Thomas O'Connor, David Odem, Michael O'Donnell, Catherine O'Driscoll, Daniel O'Driscoll, Edward O'Driscoll, Jeremiah O'Driscoll, Robert O'Driscoll, Patrick O'Leary, John O'Sullivan, L. S. Page, J. B. Patrick, J. B. Patterson, Philip C. Paul, Edward Perry, Cornelius Peterson, Joseph E. Plummer, Moses Plyler, John Pollan, James Power, James Power, Jr., Jacob Price, A. C. Reed, Wm. R. Reid, Wm. R. Roberts, Samuel M. Robinson, Elizabeth B. Rogers, Lieuen M. Rogers, William L. Rogers, Elizabeth Ryals, James Ryan, Edmund St. John, Edmund St. John, Jr., Edward St. John, William St. John, Henry Scott, John Scott, A. J. Sharp, John Sheffield, John Shelly, Patrick Shelly, Anthony Sideck, Moses Simpson, Richard Small, Charles Smith, Joseph F. Smith, David Snively, Henry F. Snively, Henry Stagner, Sophronia Amanda Stagner, Wm. H. Stagner, Wm. Stewart, John R. Tally, Thomas S. Tatum, Henry Teal, John Teal, N. B. Tevis, John Jacob Thomas, W. Thompson,

Alfred S. Thurmond, John Timon, John Tiner, Lemuel T. Tucker, Marcellus G. Turner, Thomas M. Uzzell, George Wadsworth, Lyman H. Ward, William P. Watson, Franz Welder, John Welder, H. W. Wellington, Royal W. Wellington, James B. Wells, Michael West, Michael Whelan, Michael Whelan<sup>2</sup>, Andrew Wilcox, Henry B. Williams, Henderson Williams, Jephtha Williams, Levi Williams, Joel P. Wofford, Webb Wofford, John H. Wood, Felix G. Woodard, John Young.\*

Many of the events which will be related in connection with this decade will be better understood if something is first known of the personalities connected with them.

The Barber family, of which many members settled in our county, came from Barber's Hill, in Liberty County. The wife of John Addison Barber was Elizabeth Kokernot, daughter of Captain David Levi Kokernot and wife, Caroline Dittmar Maley.<sup>2</sup> The wife of Edward St. John was Bloomy Amanda Kokernot, of the same old Texian family. Several members of the Maley family, also of Liberty County, settled in Refugio County in 1857.<sup>3</sup>

Mansfield Barlow was a surveyor, school teacher, and Baptist preacher. He and his son Chauncey M. Barlow, became prominent in public affairs.<sup>4</sup>

General Jackson Brown was a blacksmith. He established a smithy on the west side of Mission River a short distance below the town of Refugio. He eventually became sheriff of the county. The wife of G. J. Brown was Caroline Manuel, daughter of Adam Manuel, San Jacinto veteran, and a sister of Margaret Manuel, who became the wife of Moses Simpson.<sup>5</sup>

Pedro N. Curbello was a large cattleman of his period. He was a scion of the hildalgo Curbello of Bexar, who gave a governor to the province. Curbello's daughter, Josephine, was the first wife of John Linney, who removed from Liberty County to Refugio County about 1857.<sup>6</sup>

Mention has been made of the marriage of Daniel C. Doughty and Ellen Duggan during the Mexican war. Ellen was sister to John and Michael Duggan, all being children of Mrs. Daniel O'Driscoll by her second marriage. Daniel C. Doughty took his bride back to Kemper County, Mississippi, where they lived on a plantation. Catarina Duggan had by her marriage to Daniel O'Driscoll two

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\* The foregoing list was compiled from the Deed Records, Jury Lists, School Census Reports and Memoirs of contemporary citizens.

<sup>2</sup> Huson, *Saint Mary's of Aransas* (Barber).

<sup>3</sup> W. L. Rea, Joe St. John, *Affidavit of Heirship, St. John family*, Deed Records.

<sup>4</sup> Huson, *St. Mary's of Aransas* (Maley and Barlow).

<sup>5</sup> *Refugio Timely Remarks* (Cent. Ed.) Dec. 14, 1934, 68.

<sup>6</sup> Huson, *Saint Mary's of Aransas* (Curbello and Linney).

sons, Jeremiah and Robert. Daniel O'Driscoll was accidentally killed at Refugio, July 3, 1849. His widow, Catherine, died March 5, 1852. John and Michael Duggan died in 1853 and 1852, respectively. The latter had been caring for Jeremiah and Robert Driscoll at the time of his death.<sup>7</sup>

Judge Milford P. Norton advised Mrs. Daniel C. Doughty of this succession of deaths in her mother's family and Mrs. Doughty conceived it her duty to return to Texas and take charge of her half brothers and their estates.<sup>8</sup> Accordingly she and her husband disposed of their holdings in Mississippi and came to Refugio with their own children, where she was appointed guardian of the persons and estates of her minor brothers. That she faithfully executed the trust, and, together with Captain Dan, laid the foundations for the Driscoll fortunes, is well attested by the court records.<sup>9</sup> Captain and Mrs. Doughty arrived in Refugio in the fall of 1853. In the winter of that year they bought ranches of their own.<sup>10</sup>

In the same year, 1853, Joseph Doughty, father of Captain Dan, migrated with his wife, Mary, six other sons, and one daughter, from Kemper County, Mississippi to Refugio County.<sup>11</sup> The children of Joseph Doughty were sons, James Murray Doughty, Daniel C. Doughty, William B. Doughty, A. Lafayette Doughty, J. D. (Doc) Doughty, Joseph C. Doughty, Benjamin Doughty, and daughter. Most of these sons became prominent in public affairs, and several intermarried with pioneer families of the county.

The Dugat family arrived in the latter part of 1852 or early part of 1853. The Dugats were an old French colonial family of Louisiana and had served in the Spanish Louisiana army during the American Revolution.<sup>12</sup> The family had settled in the municipality of Liberty, Texas, in colonial times. The members of the family who removed to Refugio County were four brothers and one sister, viz: Joseph L. Dugat, Charles E. Dugat, Zumalin Dugat (wife was Julia Ann Winfrey), Peter Dugat (wife Susanne Winfrey), and Mrs.

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<sup>7</sup> W. L. Rea. *Affidavit of Heirship of Driscoll, Duggan and Daniel C. Doughty Families*, April 24, 1930. Deed Records, 16, 611-613. Huson, *Saint Mary's of Aransas*, (Driscolls and Doughtys).

<sup>8</sup> Correspondence between Ellen Doughty, William B. Doughty, Joseph C. Doughty and Milford P. Norton, 1851-1853, Milford P. Norton Papers.

<sup>9</sup> *Estate of Jeremiah and Robert Driscoll, Minors; Estate of Daniel O'Driscoll; Estate of Catherine O'Driscoll; Estate of Ellen Doughty*; Probate Records, R. C.

<sup>10</sup> Deed Records, D, 369, 371.

<sup>11</sup> Daniell, *Personnel Texas State Government*, 663-664 (James M. Doughty); Huson, *St. Mary's of Aransas* (Doughty).

<sup>12</sup> See Colonel Robert Churchill's List of Louisianans who served in the Spanish army during the American Revolution, thereby making their descendants eligible to S. A. R. and D. A. R. The Troups and Curbellos are included in this list. A copy is in Library of National Society S. A. R. Washington, D. C.



Toups.<sup>13</sup> The Dugats first settled on the Refugio farm lots.<sup>14</sup> Joseph L. and Charles E. Dugat were Texian veterans.

William J. Dorsett came to the county in 1854 or 1855. He was joined by his brother, Theodore Monroe Dorsett, in 1857 or 1858. His wife was Mary Winfrey. The families moved here from Guadalupe County. Both brothers were Texian veterans.<sup>15</sup>

The Dunmans, of whom several shortly arrived, became prominent cattlemen.

Captain Edward Fennessy married Mary St. John, a daughter of Edmund St. John, and widow of Timothy Hart. Captain Fennessy will figure in the days of the Vigilantes.

D. M. and L. D. Hastings were kindred of Mrs. James B. Wells, Sr.

In the summer of 1853 Allen Jackson Heard and his brother, Thomas Clinton Heard, arrived in Refugio County. On September 9, that year, they bought from Moses Simpson, at Copano, their first landed holdings in this county. This tract was located on the north side of Copano Creek and was the first home of the Heard family in the county. That section is still known as *Heardsdale*.<sup>16</sup> These original Heards were two of the sixteen children of Joel Heard, who had once been shipwrecked on St. Joseph's Island. Joel Heard and others of his children later came to the county and lived at Lamar. One of his granddaughters, Mary Ann, (daughter of Humphrey Heard), was the wife of Captain Murdock William McRae, of Lamar.<sup>17</sup> His grandson, Joel Heard, married Lucretia Ballou. Holmes Heard, another son of Joel, Sr., subsequently became a prominent citizen of the town of Refugio.

The wives of the two original Heards were sisters, the daughters of John M. Busby,<sup>18</sup> who came to Refugio County to see his children settled in their new home.

The Heard brothers shortly bought lands in other parts of the county, and eventually moved to the town of Refugio.

John Huddleston and wife, Elizabeth, settled in Refugio County during the latter part of 1851, establishing a ranch in the vicinity of the town of Refugio.<sup>19</sup> He was associated in the cattle business with Michael West. He appears to have died within a few years

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<sup>13</sup> Huson, *Saint Mary's of Aransas* (Dugat, Toups, Linney, Brashear).

<sup>14</sup> Deed Records, D, 252.

<sup>15</sup> Huson, *St. Mary's of Aransas* (Dorsett, Leiseter, Mapes); Sowell, *Indian Fighters of Texas* (Mrs. Scull's Memoirs. She was a sister to the Dorsett brothers).

<sup>16</sup> Deed Records, D, 354, 416.

<sup>17</sup> Johnson, *The Two Sea-Captain's Johnson*.

<sup>18</sup> Wharton, *Texas Under Many Flags*, III, 132 (W. J. J. Heard); Daniell, *Texas—The Country and its Men*, 258-260.

<sup>19</sup> Deed Records, D, 88. See D, 225-226. G, 89, 420, 468. H, 219, 220, J, 184, 419, K, 449, L, 100, 285, M, 151, 415.



after coming to this county, but his widow and children lived in this and Goliad County for many years. The children were N. Huddleston, H. C. Huddleston, and Amanda Morris. During the early 1850's Sevan Toupe, whose wife was Penelope Huddleston, settled in Refugio County. After the Civil War her brothers, Isaac Newton Huddleston, and Newton Huddleston, settled in the county. These were the children of Newton Huddleston, of Louisiana. The connection of the two Huddleston families is unknown.<sup>20</sup>

Captains Peter and Theodore (Charlie) Johnson moved to St. Joseph's Island in 1851 and erected a large two story building at the village of St. Joseph's. These Captains operated a transportation system from Indianola to Aransas Bay ports and Corpus Christi, carrying the mails, passengers, and freight between those points. They owned and operated two three-masted schooners between Indianola and Saluria and St. Joseph's and Corpus Christi (and intermediate ports) and a stage line across Matagorda and St. Joseph's Island from Saluria to St. Joseph's. They had a ferry over Cedar Bayou. This transportation business was operated until the first year of the Civil War, when the people abandoned the islands and came to the mainland. The Johnsons moved to Lamar.<sup>21</sup>

Henry Ludwig Kroeger came to Lamar in the early 1850's. He first worked for Captain McRae and later built and operated the principal hotel in the town. In after years he lived on his ranch on Salt Creek. He married Eve Thomas, daughter of John Jacob Thomas, of Salt Creek. The kidnapping of Eve Thomas and her sister by the Indians will be told in an appropriate place. John Henry Kroeger, son of this pioneer couple, now lives on the Salt Creek ranch.<sup>22</sup>

William Kuykendall came to this county in the late 40's and settled near Mesquite Landing. In 1851 others of his brothers moved to this county. Abner Jr., Robert, Gibson, Barzallai, and James Hampton Kuykendall lived in the county at various times. The latter died and is buried in the town of Refugio. The Kuykendalls bought land owned by Willard Richardson, who was then owner and editor of the *Galveston News*.<sup>23</sup> The children of William Kuykendall intermarried with local families. Thomas married Cordelia Martin, daughter of Robert; William, Jr. married Kate Spaulding Byrne, daughter of Thomas K. Byrne, and niece of Captain James

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<sup>20</sup> Miss Emma Huddleston, statement to author. Miss Emma is a daughter of Isaac Newton Huddleston.

<sup>21</sup> Johnson, *The Two Sea-Captains Johnson*.

<sup>22</sup> Johnson, *Two Sea-Captains Johnson*.

<sup>23</sup> Deed to Eliza Miller Kuykendall, October 28, 1850, Deed Records, D, 137. Deed to Abner Kuykendall, July 23, 1851, Deed Records, D, 135. W. L. Kuykendall, *Reminiscences*.

W. Byrne;<sup>24</sup> Talbot Chambers married Alzena Dubois, daughter of Lucas Dubois, of Saluria; Mary Kuykendall married Albert Teal, of Lamar.<sup>25</sup> Of James Hampton Kuykendall more will be said later.

The Lockwood family, originally of Kentucky, came to Refugio County during the latter part of 1852.<sup>26</sup> The family consisted of John Lockwood and wife, Elizabeth Hare Lockwood, and daughter, Charlotte Margaret, who was the wife of Rev. A. M. McKinney. Elizabeth Lockwood died in this county and her will was probated here. A granddaughter of John and Elizabeth Lockwood, Elizabeth McKinney, was the second wife of Peletiah Bickford, of Mesquite Landing.<sup>27</sup>

Captain Exum Luter, whose home was generally at Goliad, where he was a public official, lived in Refugio County from time to time and finally died at St. Mary's.<sup>28</sup> He purchased a Refugio farm tract in 1853.<sup>29</sup> During the Civil War, Captain Luter was Confederate Receiver and was a party to the noted "Sequestration Cases."<sup>30</sup>

William Manning, with his wife and large family of children, came to Refugio County prior to February, 1853. He bought several farm tracts on Mission River and built a home. He died within a few years, but his wife and children continued to live in the county, and his descendants still reside here.<sup>31</sup> They intermarried with the old families of the Blanconia section.

Adam E. Manuel was a North Carolinian, who had immigrated to Texas, in the colonial period and had fought in the Battle of San Jacinto.<sup>32</sup> He settled in Refugio County in 1850 or 1851. One of his daughters, Margaret, became the wife of Moses Simpson; another was the wife of General Jackson Brown.<sup>33</sup>

Samuel S. Mapes, later to become "The Law West of the Mission," was in Refugio County as early as 1850. His first wife was Juana Leal, daughter of a Mexican colonist. Mapes originated in Ohio. When he and his family first arrived in this county, they lived on Colonel John White Bower's ranch on the San Antonio River. Later they came to the town of Refugio, and finally, about

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<sup>24</sup> Daniell, *Personnel of Texas State Government*, 557-558.

<sup>25</sup> W. L. Kuykendall, *Reminiscences*.

<sup>26</sup> *Deed Records*, D. 321, 322, 356, 362; M, 171, 173.

<sup>27</sup> Lottie E. Bickford, *Affidavit of Heirship*, April 10, 1930, *Deed Records*, 16, 475; W. L. Kuykendall, *Reminiscences*. Also, Correspondence relative to Lockwoods in *Milford P. Norton Papers*.

<sup>28</sup> Huson, *St. Mary's of Aransas*; L. B. Russell, *Correspondence*.

<sup>29</sup> *Deed Records*, D. 198, 199.

<sup>30</sup> *Exum Luter v. Wm. L. Hunter*, 30 Tex. 689-714; See also *Luter v. Mayfield*, 26 Tex. 325; *Luter v. Rose*, 16 Tex. 52; *Price v. Luter*, 14 Tex. 6.

<sup>31</sup> *Deed Records*, D. 249; J. F. B. Heard, *Affidavit of Manning Heirship* (incomplete), *Deed Records*.

<sup>32</sup> Kemp, *Heroes of San Jacinto*, 432. Phil Power, *Memoirs*, W. L. Rea, *Memoirs*; Johnson, *Two Sea-Captains Johnson*.

<sup>33</sup> Mrs. William Baumgartner, *Timely Remarks*, (Cent. Ed.) December 14, 1934, 68.

1857, settled at St. Mary's where Mapes was a merchant, notary, justice of the peace, and postmaster. He left the county in 1877 and moved to Live Oak County. There his wife died, February 23, 1879. He then married the widow of Benjamin Moore, the first county clerk of Karnes County. Susan A. Mapes, daughter of the Squire, was the second wife of Theodore Monroe Dorsett. His other daughter, Sarah, became the wife of Julius Leisering.<sup>34</sup>

Several different families of Martin have lived contemporaneously in Refugio County. The earliest of these included James, John, and Robert Martin, who were in the county in 1852. John Martin came to Refugio from Liberty County. He was a native of Rapides Parish, Louisiana. The original Martins became prominent stockmen of our county. The first lived on the Town Tract. John settled near St. Mary's about 1857.<sup>35</sup> His children intermarried with the Neel, Kimball, Young, and Kuykendall families.

Hugh May was born in Belfast, Ireland. He went to California in the Gold Rush of '49 and settled in the Blanconia section in the latter part of 1853, on the creek which is now known by his name. He erected and operated a grist mill, perhaps the first in the county.<sup>36</sup> His wife was Frances, daughter of Henry B. Williams. John Dunn was connected with the May family.

Nelson Maynard and Milam Maynard came to the county in 1854 or 1855 and bought farm tracts on the west side of Mission River above the town of Refugio.<sup>37</sup> The *Maynard Water Hole* is named for this family.

James R. McCarty arrived in the county prior to April, 1857. He proved to be a "live-wire" and operated a ferry and tallow packery on Mission river between the bay and the lake of the same name. He also had a salt works and promoted McCarty's Addition to the town of St. Mary's and also the town of New Hope, near St. Mary's.<sup>38</sup>

N. R. McDaniel and large family came from Lavaca County to Refugio in December, 1855. They lived on the town tract for about two years, then bought 1500 acres on the Medio Creek a short distance from their first location. McDaniel became one of Refugio's most prominent cattlemen. He also had the distinction of

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<sup>34</sup> Huson, *St. Mary's of Aransas* (Mapes, Dorsett, Leisering) L. B. Russell, *Correspondence; Mapes v. Leal's Heirs*, 27 Tex. 341. See archives of Mapes, J. P. Court, in office of Refugio County Clerk.

<sup>35</sup> Huson, *Saint Mary's of Aransas*, (Martin) *Deed Records*, D. 378. Sale of cattle James Martin to C. P. Miles, 1853, D. 275.

<sup>36</sup> *Deed Records*, D. 388. Madray, *A History of Bee County*, 51-52.

<sup>37</sup> *Deed Records*, D. 493, E. 68.

<sup>38</sup> Huson, *Saint Mary's of Aransas*; L. B. Russell, *Correspondence*; Sallie Russell Burmeister, *Recollections*.



having been the last survivor of Colonel Hobby's 8th Texas Infantry. The children of this family intermarried with the Barber, Colville, Roark, and West families. Billy Colville, husband of Mary McDaniel, is prominent in Dr. Dobie's *A Vaquero of the Brush Country*.<sup>39</sup>

Colonel William McGrew and family moved to Refugio County in the latter part of 1851, or prior to January 25, 1852.<sup>40</sup> He acquired the holdings of Captain Alfred S. Thurmond at Mesquite Landing and operated a large plantation there. He was, perhaps, the largest slave-owner in the county and brought his negroes with him. His children were Dr. William P. McGrew, John McGrew, James McGrew, Henry McGrew, Robert McGrew, who married Alia, daughter of Thomas Marshall Duke, Julia McGrew, who was the wife of Captain Alfred Sturgis Thurmond, and Sarah McGrew, wife of William Andrews, an early citizen of Refugio County. Andrews later moved to Clinton.<sup>41</sup>

The McRae family was one of the oldest and most prominent Lamar families. Archibald McRae, its founder, is said to have been the second man to have settled at Lamar, in the days of the Republic. His wife was Vincey Williams. The children of the couple intermarried with pioneer Refugio families. Susan B. McRae married Senator Alexander H. Philips. John Hardy McRae was a Presbyterian minister. Sarah Ann McRae married George Little, of St. Joseph's Island. Captain Murdock William McRae married Mary Ann Heard, daughter of Humphrey and granddaughter of Joel. Descendants of Archibald McRae intermarried with the Bennett, Clay, Hill, Brundrett, and Herring families.<sup>42</sup>

Charles P. Miles was a prominent stockman and was afterwards sheriff. He was in the county in the early part of 1853. He established ranches in Refugio and Goliad counties.<sup>43</sup> He was a brother of Mrs. William Manning.

Captain Philip Newcomb was a sea-captain and according to all accounts, a splendid gentleman. He settled at Lamar at Newcomb's Point (named for him) about 1853 and was for many years a prominent citizen of the county.<sup>44</sup>

John B. Nuner was one of the largest locaters of land scrip in

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<sup>39</sup> N. R. McDaniel Family in *Refugio Timely Remarks* (Cent. Ed.) December 14, 1934; Dobie, *A Vaquero of the Brush Country*; Huson, *Saint Mary's of Aransas* (Barber and Roark families and Muster Roll of Colonel Hobby's Regiment). See also Burmeister, Rea and Russell, *Recollections*.

<sup>40</sup> *Deed Records*, D, 132, 267, 269 (John McGrew).

<sup>41</sup> W. L. Kuykendall, *Reminiscences*.

<sup>42</sup> Johnson, *The Two Sea-Captains Johnson*; L. W. Kemp, Historical notes on Archibald McRae.

<sup>43</sup> *Deed Records*, D, 275.

<sup>44</sup> *Deed Records*, D, 411, 413, 414. Johnson, *The Two Sea-Captains Johnson*.



Texas. In many counties, including our own, will be found surveys bearing his name. He did not reside long in our county.

Judge Milford P. Norton at the end of his judicial term moved to Refugio County and re-entered the practice of law. Judge Rea says that the Norton family was one of the most aristocratic and cultured ever to have lived in this county. Their fine home on Norton's Hill was a center of hospitality during their stay here.<sup>45</sup> Judge Norton immediately built up a lucrative law practice and appeared in many notable cases. His sons opened a general merchandising establishment at Refugio and did a large importing and exporting business through their warehouse and wharf at Copano. This resulted in the establishment of a third store at San Antonio. Henry D. Norton had personal charge of the latter store.<sup>46</sup>

Charles G. Norton married Frances Brown, daughter of James and Sabina Brown, colonists. This was in December, 1853. This marriage, of course, connected the Nortons with some of the oldest and most influential families of the county. Ellen Brown, the other daughter of Sabina, became the wife of William Hynes. It will be remembered that Sabina Brown and her two daughters were in Refugio Mission during the battle of March, 1836.<sup>47</sup>

Both Judge Milford P. Norton and Charles G. Norton became leading and outstanding citizens of the county and exerted themselves for the public welfare. Both helped straighten out the tangled finances of the county and Judge Norton even took over the county treasurership in order to do so. The completion of the first court house was another of their achievements.

In the fall of 1854 Colonel Henry L. Kinney offered Judge Norton employment as his general counsel. The Kinney interests were enormous, but badly involved legally and financially. The offer was alluring, and Norton accepted it and moved to Corpus Christi. Mrs. Norton and the younger children shortly joined him there.<sup>48</sup> Norton always had an affection for Refugio County and retained his legal residence here up to the time of his death, June 8, 1860.<sup>49</sup>

In 1854 the state was redistricted, and Refugio County was placed in the Fourteenth Judicial District. James Webb, Colonel Kinney's brother-in-law, was appointed judge. He died November

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<sup>45</sup> W. L. Rea, *Memoirs*; Philip Power, *Memoirs*; Mary S. Norton, *Diary*.

<sup>46</sup> Norton, *Biographies of Henry L. Kinney*; Huson, *St. Mary's of Aransas*; Huson, *El Copano*; Huson, *District Judges*.

<sup>47</sup> Sabina Brown, *Account of Battles at Refugio*; Huson, *El Copano*.

<sup>48</sup> Norton, *Biography of Henry L. Kinney*; Mary S. Norton, *Diary*.

<sup>49</sup> *Estate of M. P. Norton*, Probate Records. R. C.

1, 1856, and Judge Norton was appointed to fill the vacancy and was elected for the full term at the next election.<sup>50</sup>

In 1857 Colonel Kinney decided to go to Central America on a filibustering expedition, ostensibly to assist General William Walker, who was attempting a come-back. Before leaving, Kinney entrusted all of his affairs to Judge Norton, and gave him an all-comprehensive power of attorney.<sup>51</sup> Kinney and Norton had a settlement upon the former's return to Corpus Christi in August, 1858.<sup>52</sup>

David Odem, a veteran of San Jacinto, was a citizen of Refugio County for several years, eventually moving to Live Oak County, where he became one of its prominent citizens. Kemp says that Odem was "born in Mississippi in 1812; emigrated to Texas in 1832 as a member of the Irish colony of James Power. Mr. Odem died in Live Oak County in 1854. His wife, Elizabeth Timon Odem, died in 1873."<sup>53</sup> David Odem is not shown to have received a grant as a Power colonist. He and his wife Elizabeth (Bridget) were living in this county between 1846 and 1850. He served on juries in this county as late as 1852.<sup>54</sup> His brother-in-law, John Timon, was living in the county as late as 1855. David Odem was the father of David Odem (born in Live Oak County, February 14, 1857) who was for many years sheriff and outstanding leader of San Patricio County.<sup>55</sup>

Captain Philip C. Paul was an early settler on St. Joseph's Island. He was a well-known sea-captain. He came to Lamar in the middle 50's. His wife, Elizabeth, had come with her parents to Texas as members of one of the Irish colonies. She and Captain Paul were married at Refugio in 1849. A number of the descendants of this pioneer couple still live in the coastal sector of Texas. A son, Simon H. Paul (now deceased) married Lydia Brundrett, daughter of John M. Brundrett, one of the early "islanders." Josephine Paul married Captain Simon B. Sorensen, of Rockport. "Taddie" Paul married Charles Johnson, son of Captain Peter.<sup>56</sup>

Captain William R. Roberts was another sea-captain who had settled on St. Joseph's Island. His wife was Sarah Brundrett. The family later moved to Lamar. Their son, Captain George M. Rob-

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<sup>50</sup> Huson, *District Judges of Refugio County*, 69, 76.

<sup>51</sup> *Deed Records, Nueces County*; Norton, *Biography of Henry L. Kinney*; Milford P. Norton *Papers*; *Callier-Times, Corpus Christi, a Guide*, 95-96. See also *Lamar Papers*.

<sup>52</sup> Agreement and Statement, August 18, 1858, among Milford P. Norton *Papers*.

<sup>53</sup> Kemp, *Heroes of San Jacinto*, 399.

<sup>54</sup> *Deed Records*, D, 106-108.

<sup>55</sup> Darnell, *Texas — The Country and its Men*, 474-476; Davis, *New Encyclopedia of Texas*, 850.

<sup>56</sup> Johnson, *Two Sea-Captains Johnson*.

erts, also followed the sea. He married Jennie Teal, daughter of John Teal, of Lamar.<sup>57</sup>

Hundreds of references have been made in this work to the *Memoirs of William L. Rea*. In the middle 1850's Hugh Rea and wife settled in Refugio County in the vicinity of May's Mill and Blanconia. Hugh Rea was born in Ireland but as a young man had gone to New York City, where he obtained a position as clerk in the store of Stewart, the merchant prince. After a while he drifted South into Louisiana. There he met and married Felicia Tibeaux, then the widow Marceau. Hugh Rea was a well educated man and during his first years in Refugio County taught the Blanconia school. After that part of the county was incorporated in Bee County, he taught other schools until his eyesight failed. His son William L. Rea was born "on the same day that the Battle of Seven Pines was fought."<sup>58</sup>

A. C. Reed and William R. Reed came to Refugio in the early 50's. Wm. R. soon moved to San Patricio County, where he became district surveyor. A. C. Reed was an outstanding cattleman of Refugio County. He was at one time a partner of Francis Marion Swift, Sr. (Reed & Swift), and later a partner of George W. Saunders.<sup>59</sup> Reed was sheriff of Refugio County in 1856-1858.

Lieuen Morgan Rogers was named by the late William L. Rea as one of the three greatest citizens of Refugio County whom Rea had known personally. Lieuen Rogers, who is said to have been a nephew of General Edward Burleson,<sup>60</sup> came to Texas in 1836 to join the Texian army. Although only sixteen years of age, he did join the army and gave a good account of himself. He remained in Texas, and in 1845 his father, Patterson Rogers, and brothers, Anderson and William Long Rogers, joined him in the new-born republic. Patterson Rogers had a very large family and sought to improve his fortunes by trading with the Mexicans.

On May 1, 1846, while Patterson Rogers and his sons, Anderson and William, were with a pack train between Corpus and Matamoros, it was attacked by a band of Mexican robbers and cut-throats. All of the persons with the train, including some women, had their throats cut by the brigands, and all were killed save one—William L. Rogers. The bodies of the victims, including Williams, were

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<sup>57</sup> Johnson, *Two Sea-Captains Johnson*.

<sup>58</sup> W. L. Rea, *Memoirs*.

<sup>59</sup> Huson, *St. Mary's of Aransas* (Swift).

<sup>60</sup> The wife of General Burleson was Sarah G. Rogers. (Kemp, *Heroes of San Jacinto*, 125-126). She was a sister of Lieut. Joseph Rogers, famous Indian fighter, (De Shield's, *Border Wars*, 191).

thrown into a stream, and the robbers, after rifling the pack train, returned to Mexico with their spoil.

It so happened that William Rogers' jugular vein was not severed. He revived and managed to reach shore. He wandered over the prairie a distance of twenty-five miles before he found a habitation. Here the Mexican *ranchero* family received him kindly and nursed him back to health. Rogers subsequently married Julia Corona, daughter of his benefactor.

During this period young Lieuen Rogers was serving as a lieutenant in Taylor's army. He learned of the fate of his father and brothers; and after the war he rejoined William, and together they went to the border, discovered the identity of their father's murderers, hunted them out wherever they were to be found, and did not desist until they had slain each and every one of the murderers. The story of some of these hand to hand death grapples pales the ordinary western thriller.

In 1849 Lieuen Rogers joined Lopez' first filibustering expedition against Cuba. After he had served with the revolutionists for about eighteen months, he was captured by the Spaniards. He was sent to Spain to spend the rest of his life working in the quick-silver mines there. He was, however, released through the intercession of the American and British governments. He had not been back in his own country long when he came to Refugio County, in 1851.<sup>61</sup>

He brought to this county his widowed mother, Mrs. Elizabeth B. Rogers, and presented her with a small ranch on the town tract below the town of Refugio. His sisters had married well, and some of them and their families joined the Rogers in this country. The sisters were Mrs. Louisa J. Denton, Mrs. Charles Smith (Mary Rogers), and Mrs. David Snively.

On November 13, 1853, Lieuen M. Rogers married, at Goliad, Annette Brightman, daughter of George Claver Brightman. Another daughter of George Brightman became the wife of Judge Charles Arden Russell, later of St. Mary's.

Captain William L. Rogers lived for a short while in Refugio. He went to Corpus Christi, where he had a distinguished career, serving as sheriff of Nueces County and representing that district in the state senate for several terms.

Moses Simpson also had a venturesome career. He was a native of Ireland, and at the age of fourteen immigrated to Canada.

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<sup>61</sup> Huson, *Saint Mary's of Aransas; Daniell, Texas — The Country and its Men*, 326-340 (portrait of Wm. L. Rogers); *Deed Records*, D, 85, 86, 100. W. L. Rea, *Memoirs*.



He then came to the United States and served in several Indian wars. He went on a filibustering expedition against Central America. He was a member of the Fenian Brotherhood and joined in one of its raids on Canada. He came to Texas as a sergeant in General Taylor's army. It is claimed that he thereafter joined other filibustering expeditions. On March 11, 1851, he married, at Refugio, Margaret Manuel, daughter of Adam Manuel. He was the sire of ten children, and scores of his descendants are prominent among the county's citizenship of today. After his marriage Simpson moved from St. Joseph's Island to Lamar and a short time later to the town of Copano.<sup>62</sup>

Captain David and Henry F. Snively were brothers of Colonel Jacob Snively, who led "Snively's Expedition" into New Mexico, in 1843.<sup>63</sup> Captain Snively was district surveyor of Refugio County for several years. Henry F. Snively was later editor of a newspaper at Victoria.<sup>64</sup>

Anton (Antoine) Strauch came to Texas in the fall of 1852. After living at Indianola and San Antonio, he settled in Refugio County on a farm on Salt Creek, about 1855 or 1856. He married Sarah Thomas, daughter of John Jacob Thomas, whose ranch was nearby. As a youth he had never used tobacco, but on the boat to the United States he acquired the habit. On his Salt Creek ranch he planted and grew tobacco and processed it. He had a drying shed and rolled the tobacco and fabricated it into cigars. He used such as he required and marketed the surplus.<sup>65</sup> It had been stated that Antoine grew the first tobacco ever grown in Refugio County; however, there is authority that the Mexicans grew tobacco on Like Oak Peninsula in the colonial period.<sup>66</sup>

John Teal does not seem to have been related to Peter Teal, the Power colonist. John Teal was born in Louisiana and married in that state before coming to Texas. His first wife was a Ballou, a kinswoman of the Lamar family. His second wife was Amelia Barlow. This Teal family came to Lamar about 1855. John's daughter, Corinne, married Charles R. Byrne; his son John Albert married Mary Kuykendall, daughter of William (Thomas) of Mesquite Landing. Mary Louisa Teal married Amos Martin; Laura Teal married William Huff; Virginia (Ginny) Teal married George

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<sup>62</sup> Johnson, *Two Sea-Captains Johnson*; Huson, *El Copano*, 43-44; Philip Power, *Memoirs*; W. L. Rea, *Memoirs*.

<sup>63</sup> Wortham, *History of Texas*, IV, 101; Yoakum, *History of Texas*, II, 399-403.

<sup>64</sup> Philip Power, *Memoirs*.

<sup>65</sup> Johnson, *Two Sea-Captains Johnson*.

<sup>66</sup> Martin, *Coastal Indians*.

Roberts, son of William; Frances Teal married Tippet Martin; Walter Teal married . . . . Doughty.<sup>67</sup>

John Jacob Thomas, with his wife and five children, immigrated from Switzerland to Texas in 1844. After a sojourn at Galveston, the family went to St. Joseph's Island in hope of finding a home and employment. Thomas then went to Corpus Christi and obtained a position in the quartermaster section of General Taylor's army. After the Mexican war Thomas returned to St. Joseph's Island. In October, 1850, the family acquired a small ranch on Salt Creek, near Lamar. Just after they had got settled on the place, the Comanches raided it and kidnaped their two daughters, Eve and Sarah Salina. Eve Thomas subsequently married Henry Kroeger of Lamar, and Sarah married Antoine Strauch, also of Lamar. A third daughter, Anna, married . . . . Benson, of Lamar.<sup>68</sup>

The Wellington family had lived on the Victoria side of the Guadalupe from the early days of the Republic. Mention has been made of the Wellington ferry and Dr. Wellington's connection with the Gilliland massacre in 1842. In 1853 this pioneer family moved their legal residence to the Refugio side of the river.<sup>69</sup> In 1856 Dr. Wellington was appointed captain of the patrol district in that end of the county. He also held other minor appointments under the county government.<sup>70</sup>

Michael West came to Refugio County in 1853. His father and six brothers and two sisters came at various times in after years. This family were early settlers of Calcasieu Parish, Louisiana. In 1847, after the death of his wife, Richard West and his children migrated to Jefferson County, Texas, settling about 12 miles west of Beaumont. Richard and some of his sons are said to have looked over Refugio County prior to 1853. The West brothers were: Solomon West, whose first wife was Clara Moss, of Louisiana, and his second, Susan McRae; Michael West, Andrew Jackson West, Abel West, Benjamin Franklin West, who married Margaret Fox, daughter of James Fox; Richard West, John West, and Howard West, one of the sisters, Mary West, married Alfred Moss, of Louisiana. They were the parents of George Washington Moss, Sr., a sheriff of Refugio County, and Rose Moss, who became the wife of George

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<sup>67</sup> Johnson, *Two Sea-Captains Johnson; Mexican Claim of Teal Family*, (copy furnished by Hon. Andrew Dilworth, of San Antonio).

<sup>68</sup> Johnson, *Two Sea-Captains Johnson*. Mrs. Sarah Strauch Account, *Houston Chronicle*, 1924, reprinted *Refugio Timely Remarks*, (Cent. Ed) December 14, 1934, 43; also account of Kidnaping, *Refugio Timely Remarks*, November 27, 1936. Miss Mildred I. Strauch has the passports issued to the Thomas family in 1844.

<sup>69</sup> *Deed Records*, D. 300.

<sup>70</sup> *Commissioners' Minutes*, Nov., 1856, July 7, 1862.

P. Rogers, son of Lieuen M. Rogers. The West family is well represented in the present day citizenship; J. Chris West has been county commissioner of Precinct No. 3 for many years.<sup>71</sup>

Several members of the Whelan family lived in this county. Michael Whelan came to the mission in 1840. Henry and Edward Whelan were here during the Republic. Some years later a younger man named Michael Whelan moved to the county. He married Bridget O'Brien Bower, widow of Colonel John White Bower.<sup>72</sup>

Several families named Williams settled in Refugio County between 1850 and 1860.

Henderson Williams settled in Refugio County about 1852 or 1853.<sup>73</sup> He at first lived on the Town Tract, then acquired lands in the part of the county which in 1857 was included in Bee County. Williams was prominent in the organization of Bee County and was elected its first county clerk (1858).<sup>74</sup>

Henry B. Williams came to Texas from Mississippi and settled on the Refugio Town Tract in 1855.<sup>75</sup> He soon became a prominent cattleman. He was one of the first settlers of Rockport and built some of the first cattle pens at that place.<sup>76</sup> His daughter, Frances, was the wife of Hugh May, the miller of May's Creek.

Jeptha Williams arrived in Refugio County in 1854 and first settled on the Town Tract. He was afterwards sheriff of the county.<sup>77</sup>

John Young, who had lived for several years on the Rio Grande, purchased a ranch in Refugio County in 1853 and later moved to this county.<sup>78</sup> He does not appear to have been the Young who was father of John D. Young, hero of Dobie's *A Vaquero of the Brush Country*.

## PART TWO

### *End of the Indians*

Despite the splendid growth, which will be narrated, Refugio was still a frontier county and continued to be until about 1875. A remnant of the Karankawas still lived in the county, and the area was not free from raids of the Comanches for several more years. While the new counties of San Patricio and Nueces became buffers,

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<sup>71</sup> Daniell, *Personnel of Texas State Government*, 678-679.

<sup>72</sup> Philip Power, *Memoirs*.

<sup>73</sup> *Deed Records*, D, 335, E, 35, E, 34.

<sup>74</sup> Madray, *A History of Bee County*, 51-52.

<sup>75</sup> *Deed Records*, E, 42-43. This deed is from Henderson Williams.

<sup>76</sup> Madray, *A History of Bee County*, 51-52.

<sup>77</sup> *Deed Records*, E, 137, 138.

<sup>78</sup> *Deed Records*, D, 231.

Refugio continued to suffer occasional raids by Mexican cattle thieves from the No-Man's Land between the Nueces and the Rio Grande. The name of Juan N. Cortina will appear in the annals as they unfold.

On October 1, 1850, occurred the kidnaping by the Comanche Indians of Sarah Thomas, aged 11, and Eve Thomas, aged 15, at the Salt Creek ranch of their father John Jacob Thomas. The story as related by Sarah Thomas Strauch is as follows:

"The three children were driving home the milch cows late one afternoon, when they saw several horseback riders. Sarah became frightened, thinking they were Indians. Her sister, Eve, to alleviate her fears, told her perhaps they were Mexican hunters, but said that they had better hide in the tall grass and maybe they would fail to see them. All would have been well had not their dog barked and this attracted the Indians' attention to their hiding place. In the meantime the father and mother saw the Indians, for Sarah's fears proved to be true, as there were several bands of the murderous Comanches out on a marauding trip.

The father tried to warn his children by blowing his Alpine horn, but it was too late, for by this time the children had been picked up and placed on horses with an Indian rider and were being carried away. The parents naturally were frantic. The father raised his gun to shoot, when he saw one of the Indians stealing the only horse left, which had been staked near the house. He knew the only means of pursuing them was gone and there was no way for him to secure help. His wife pleaded with him not to shoot, for she knew the Indians would kill their children and massacre the entire family, if one of their band was killed.

The Indians traveled all night. Eve tried to escape several times, which delayed them, so they finally tried to kill her. They threw her off her horse and as each one of them rode past, threw their spears at her and stabbed her several times. One cut her hair, but did not scalp her. Thinking her dead, for by this time she had fainted, they rode off, taking little Sarah with them. She had been tied to her horse to prevent her escape.

All this happened near the Fagan Ranch on the San Antonio River. Early next morning Eve revived, and being near a tree, climbed part way up into its branches. She was afraid of wild animals. She saw two men on horseback coming toward her. She at first thought they were the Indians returning, but as they came closer she recognized her brother, John, and Mr. John Fox. They were trying to find how many of their horses the Indians had driven off during the night, having heard them



passing, but not dreaming they had two white children in their possession.

Eve tried to tell them what had happened, but fainted again. They took her to the house, where she stayed until strong enough to go home. After many months she succeeded in recovering from the harrowing experience. Meanwhile, little Sarah was forced to go on with the Indians. Their first stop was at Goliad, where the Indians had their camp. Here Sarah recognized an Indian squaw, who had been in the Thomas home several weeks before and had been befriended by the family. She was a spy, whose duty it was to discover how many horses the Thomas family had, also how many the neighboring families had.

The Indians stayed in Goliad a short time and then moved on. They finally stopped at San Saba. Sarah undergoing untold hardships. Her clothes were taken from her and this caused her to suffer from the cold, as it was late in the fall of the year. Nuts and horse flesh was her principal food. She was forced to see her pet mule slaughtered to furnish food for the tribe. That was one day she went without anything to eat.

After staying with the tribe more than a month, her release was made through the Indian agency of the United States government. An Indian boy who was being held by the government was exchanged for Sarah, in addition to a gun, some blankets and other articles held dear by the Indians.”<sup>1</sup>

In 1852 Moses Simpson employed Judge Milford P. Norton to present his claim against the United States Government for \$75 “for 1 gray horse about 16 hands high taken off by the Comanche Indians on the first day of October, A.D. 1850, in the County of Refugio and State of Texas.” In support of his claim Simpson made affidavit to the facts that the horse was stolen by Comanches, the value and non-recovery, concluding with the declaration, “This deponent has never crossed over into the Indian country for the purpose of securing or attempting to obtain from said Indians private satisfaction or revenge on account of the property thus stolen and carried off, so help me God.” The claim is further supported by the deposition of Sarah Thomas. She states, “My reasons for stating that the horse above referred to was taken off by the Comanche Indians are that the same Indians made captives of myself

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<sup>1</sup> *Refugio Timely Remarks*, November 27, 1936. This was a reprint from some old Houston Paper. Recopied in Johnson, *Two Sea-Captains Johnson*. In another account published in the *Houston Chronicle*, 1924, and reprinted in *Timely Remarks* (Cent. Ed.) December 14, 1934, there are some additional facts: The Indians reached the San Antonio river at 9 p. m. of the day of the capture. Nothing is said about throwing spears at Eve, her hair was cut off and she was stabbed with dirks, and she was dropped for dead on the banks of the San Antonio river. Sarah remained at San Saba a month. An Indian agent, Church Rollins, located the band, and arranged exchange, and Sarah was returned to her home two weeks later.

and sister at the time that they took me up into their nation and that they had the said horse along with them. . . . It was on the 1st day of October, 1850, as myself and sister were at a short distance from my father's home, in Refugio County, State of Texas, that twelve Indians belonging to the Comanche tribe cut us off from the house, made us captives and drove off four head of horses that were grazing close to the house, one of which was the horse of Moses Simpson, above referred to, another belonging to James W. Byrne and two belonging to my father Jacob Thomas." The deposition of Jacob Thomas is also attached to the claim.<sup>2</sup>

The kidnaping of James Hart by the Comanches took place on the outskirts of Refugio, in the vicinity of Mount Cavalry Cemetery, in 1852. Early one morning James, then about eleven years old, was sent by his father, Timothy Hart, to drive up the yoke of oxen to begin the day's work. The boy was driving the oxen when the Comanches, whose presence had been unknown, darted upon him before he could escape. From Mrs. Madray's *History of Bee County*, we continue,

"They captured the boy and drove the oxen off, taking the boy and oxen to Camp San Saba, in San Saba County. The camp seemed to be headquarters for the Indians who raided this part of the state. They lived mostly on raw horse meat. Jimmy had never eaten horse meat and he became very hungry.

"One day, on seeing the boy was getting frail and weak, an old squaw got an ax, and taking the boy by the hand, led him away to the woods. He was helpless to defend himself and thought the worst had come, but instead, this old Indian woman knew where there was a bee tree in the woods nearby and was taking the ax to chop into the tree and get the honey. The boy ate this pure food with a genuine relish, and later in life related how this honey had saved his life and put him on the mend. He was traded for different wares among the Indians, but after three years he made his escape and returned to his parents."<sup>3</sup>

Other versions state that young Hart was ransomed through the good offices of United States Indian agents. James Hart subsequently became treasurer of Refugio County. He was the father of Mrs. J. M. O'Brien.<sup>4</sup>

The year 1852 saw the last Indian fight in Refugio County and the expulsion of the Karanakawas from the county and, probably,

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<sup>2</sup> *Claim of Moses Simpson*, with supporting depositions, dated December 13, 1853, in *Milford P. Norton Papers*.

<sup>3</sup> Madray, *A History of Bee County*, 55.

<sup>4</sup> Philip Power, *Memoirs*.

from Texas. By this time the once powerful tribe had dwindled to a mere handful. After the murder of Captain Kemper the savages had fled to Mexico. Thereafter they returned as far as Corpus Christi, when they were dispersed by Captain Aldrete's *rancheros*. For three or four years they gave no trouble; and if they were in the county at all, there is no record of it. In 1851 or 1852 they re-appeared at their old camping grounds at the mouth of the Guadalupe and along the shores of Hynes Bay. Shortly they reverted to their old habits of killing and driving off cattle and livestock and committing petty thefts. In time they became such a nuisance that the citizens of the San Antonio river section determined to rid the community of them, once and for all.

One morning William Kuykendall and his sons, Thomas, William and Talbot, happened unexpectedly upon the Indians in camp on the bluff of Hynes Bay, the site being in the present Duncan pasture. The Kuykendalls got away without being detected, and reported the location of the Karankawas to the surrounding white settlers. It was decided to immediately form a posse and drive the Indians out of the county.

The posse met at Fagan's ranch and elected John Hynes as its leader. Included in the posse were John Hynes, captain, William Hynes, William Fagan, Nicholas Fagan, John Fagan, Thomas O'Connor, William Kuykendall, Thomas Kuykendall, Talbot C. Kuykendall, John O'Brien, Michael Whelan, Dr. R. W. Wellington, Alfred S. Thurmond, Carlos de la Garcia, James W. Byrne, Martin L. Byrne, Moses Simpson, Walter Lambert, Charles G. Norton, John R. Baker, and Samuel Townsend.

The settlers rode towards the Indian camp and headed down the bluff, hoping to take the enemy by surprise. In this they were successful, but the Indians put up a stiff fight and wounded some of the citizens. (Captain de la Garza was probably one of those wounded). It was not until several of the Indians had been killed and a number wounded that the Karankawas broke and left the battlefield in flight. John Hynes is known to have killed one of the braves. When the surviving Indians re-assembled, they decided to leave the country forever. They went to Mexico and were given asylum in Tamaulipas. However, in a short time they began to be such a nuisance to the Mexicans that the latter exterminated them.<sup>5</sup>

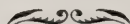
Such was the end of the Karankawas in Refugio County. Judge Kuykendall states that several years afterward a Karankawa man

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<sup>5</sup> W. L. Kuykendall, *Reminiscences*; Philip Power, *Memoirs*; Will Bickford, *Statement*; Daniell, *Representative Men*, 488 (John O'Brien).

and his wife came from Mexico to search for the gold which tradition associated with the wreck of the Spanish vessel on Barkantine Creek. From Philip Power and other old timers it would appear that several Karankawas remained in the county as servants or retainers to white families. A Karankawa girl was reared by the Power and Welder families. She and her brother were proteges of Major Wood, who was guardian of a small estate which they possessed. These children were Tom and Mary Amarso. Mary afterwards married Charles Pathoff, of St. Mary's.<sup>6</sup>

Philip Power relates that during his boyhood, Indians roamed the county either singly or in pairs, begging food, and committing petty thefts. "Some of those poor devils came to Copano at various times and our mother would never send them away hungry." He also tells of a band of Indians going to Joseph E. Plummer's home, up the bay from Copano, and stealing a wash tub. The next day one of the chiefs visited Plummer's home, and Plummer complained of the theft. The chief promised he would find out the thief and make him put the tub back where he had gotten it. The chief kept his word. He met up with the thief between Copano and Gonzales and required the culprit to carry the tub all the way back to Copano. When Plummer arose the next morning he found the tub setting where it had been before it was stolen.<sup>7</sup>



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<sup>6</sup> Philip Power, *Memoirs*; L. J. Wyatt, *Statement*; Huson, *Saint Mary's of Aransas* (Mrs. Pathoff).

<sup>7</sup> Philip Power, *Memoirs*; L. J. Wyatt, *Statement*.



## CHAPTER XXXI

### STUFF DREAMS ARE MADE OF

HE STEAM railroad has always fascinated the American people. The building of a railroad has been the ambition of many. The desire for rail connections has germinated wars. In fact, the real background of the Texian Revolution was the thwarted wish of the commercial interests of New Orleans to build a railroad across Texas, connecting that city with the port of San Francisco. After annexation the great American urge to build railroads unleashed itself in Texas. On May 8, 1846, the Legislature incorporated the Lavaca, Guadalupe & San Saba Railroad Company. The incorporators were the leaders of the German colonies around Fredericksburg.<sup>1</sup> Thereafter, acts incorporating railroad companies were enacted thick and fast.<sup>2</sup> Few of these projected rail lines were ever built.

Probably the first railroad promoter in the Refugio section was Colonel Pryor Lea, of Goliad, who has been already mentioned. Although a brilliant lawyer and distinguished public man, the lure of railroad building attracted him to Texas; and he spent the remaining years of his life in the chase of this elusive rainbow. Lyman B. Russell says of him: "Judge Pryor Lea was one of cleanest, most perfect specimens of the old time Southern gentleman type, I have ever known. . . . He came to Texas I presume about 1846 or 7, and settled in Goliad, and as long as he lived was one of its most prominent citizens. . . ."

In 1847 he made an inspection of Aransas port sites and decided to throw in his lot with the port of Lamar. He projected a railroad from Lamar, through Goliad to San Antonio. He and the proprietors of Lamar became associated in both promoting the railroad and building a port at Lamar. The townsite of Lamar was re-platted and enlarged by William H. Jones in 1848, and its name shortly was changed to *Treport*. On February 12, 1850, Colonel Lea acquired from Captain Byrne an undivided one-fourth interest in Lookout Peninsula and Goose Island, including the unsold portion of the

<sup>1</sup> G. L. II. 1491.

<sup>2</sup> One of the strangest projects was *The Terraqueous Transportation Company*, the preamble to the charter reading, "Whereas, Gen. T. J. Chambers has represented to this Legislature that he has discovered or invented a new means of vehicle for the transportation of freight and passengers, which is capable of traversing equally the land and sea, and of passing from one to the other." G. L. IV. 388.

townsite of Lamar.<sup>3</sup> Lea appears to have been unable to pay the purchase price, and on March 1, 1853, reconveyed to Byrne, who refunded the down payment.<sup>4</sup>

The Aransas Road Company was incorporated by the legislature on February 14, 1852.<sup>5</sup> It proved to be a heart-breaking Valentine. The incorporators were John W. Hodges, Barton Peck, Robert W. Lott, T. P. C. Lott, Dr. Joseph H. Barnard, Jackson L. McKenney, James W. Byrne, Samuel Holliday, Alexander H. Cromwell, Major John H. Wood, David Shelton, James S. Bailey, and Colonel Pryor Lea. It was provided that "Said company may construct and maintain a principal turnpike road from any point on or near Aransas Bay, or any arm thereof, to any point within or near the town of Goliad; and also any turnpike branches or extensions of the principal road, in such directions and to such distances as the company may think proper; and may, at any time, on or near the track of any part of the principal turnpike, as a substitute for such part, construct and maintain a railroad, with like privileges of branches or extensions thereof, either by turnpike or railroad . . . the construction of said principal turnpike shall be commenced by the first day of January, 1853, and be completed so that the road shall be fit for use within three years thereafter, or this charter shall be void."

Included in the corporate powers was the right to construct bridges, draw-bridges and causeways, and to fence its roadway or right-of-way. The right to collect tolls for use of the turnpike and bridges was given and the rates fixed. The tariff for rail travel was fixed at five cents per mile the passenger, and not exceeding a half cent a pound, or fourth of a cent a cubic foot, per mile. The company was to have a suitable steamwhistle on each locomotive, and a good brake and suitable brakemen on the rear of every train. The company had the power to receive donations, and the right to receive from the state eight sections of land for every mile of railroad actually completed and ready for use.<sup>6</sup>

By Act of September 1, 1856<sup>7</sup>, the Aransas Road Company was given the following rights in addition to those originally granted it: to "improve the navigation of the ship channel on Aransas bar, and between that bar and Corpus Christi mud flats, by deepening the present channel or by making a new one, in any part of greater

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<sup>3</sup> *Deed Records*, D, 47-49, 233.

<sup>4</sup> *Deed Records*, D, 235.

<sup>5</sup> See Huson, *Saint Mary's of Aransas*; Emmett, *Texas Camel Tales*, 36. (See also account of the Port Lavaca-Indianola Railroad, which was actually built); Philip Power, *Memoirs*; Johnson, *Two Sea-Captains Johnson*.

<sup>6</sup> G. L. III, 1214-1218.

<sup>7</sup> G. L. IV, 786-789.

depth; and may connect the company's roads on the mainland with said ship channel by a road or roads in the bay; and may make any of its roads through tide water, where necessary, and may reclaim from overflow any lands subject thereto, that may be connected with any such road; provided, that the company shall make and maintain a draw-bridge on any such road, of such extent as may be necessary over any navigable channel, and that such connection between the mainland and said ship channel, by one road at least, and the road across Aransas reef shall be made before the first day of January, 1860, and said bar shall be improved so as to afford nine feet depth at ordinary low tide, before the first day of January, 1861. For the improvement of said ship channel, the company may close Cedar Bayou, so as to prevent the flow of tidewater through it, and in like manner may close all the channels of tide water between Aransas and Corpus Christi bays, except the main ship channel," etc.

The supplemental charter further authorized the company to change the location a distance of five miles either way, but the main system was to be from Goliad to "the coast terminus." A branch was authorized to be built to the Rio Grande River at or near to Cariso, subject to the existing or any future right of the city of Corpus Christi to improve the Corpus Christi reef. The time for completion of the main system was extended to December 31, 1858, and the right to make the branch was to terminate with the year 1860. The capital stock of the company was increased to \$1,000,000.<sup>8</sup>

Another supplemental act was enacted February 16, 1858, authorizing substitution of a railroad for the turnpike and substituting ferries for bridges. The company was authorized to build to Laredo, on the Rio Grande. Three millions were authorized to be added to the capital stock, and the road was to be substantially commenced before June 1, 1860.<sup>9</sup> By Act of January 7, 1860, the time of complying was extended to January 1, 1864. The main harbor was to be at Aransas, with channel to Corpus Christi. The corporation was to exist for 99 years.<sup>10</sup> The final supplement appears to have been the Act of November 6, 1866, extending the time of completion to January 1, 1872, and making some substitutions of rights.<sup>11</sup>

The railroad feature of the Aransas Road Company seems never to have been attempted. However, the turnpike was surveyed from

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<sup>8</sup> G. L. IV, 786-789.

<sup>9</sup> G. L. IV, 1328.

<sup>10</sup> G. L. V, 57-58.

<sup>11</sup> G. L. V, 1480-1481.

Goliad to Aransas reef, and from that point probably to Aransas and Corpus Christi. The surveying was probably done by Dr. J. H. Barnard and Abram H. Lea. The Minutes of the Commissioners' Court indicate that the turnpike was actually completed through Refugio County to Aransas reef, but it is strange, if such be the case, that no old-timer has ever mentioned using it, or that the Commissioners' Minutes do not refer to its use and ultimate disposition. Lamar seems to have been abandoned early as the coastal terminus of the system, and some site on Live Oak Peninsula or even some of the islands (Harbor or Hog) selected instead. That the road was to transverse Ingleside is indicated by the generous financial support given by John W. Vineyard, founder of that town.<sup>12</sup> The County Commissioners, on January 1, 1856, certify that they have inspected the turnpike between Goliad and Aransas Bay and that same has been found completed as required by the company's charter. The Minutes aver that the company had constructed bridges across Saus and Chocolate Creeks and the mouth of Aransas River.<sup>13</sup>

Colonel Lea devoted the last years of his life to this project. The Civil War, of course, suspended development; but Lea promptly revived it after the war ended. The project was still struggling as late as 1879.<sup>14</sup> Judge Milford P. Norton became interested in the project after he came to Refugio County and seems to have continued his interest up to the time of his death. Among Judge Norton's papers is to be found a printed circular of Colonel Lea, president of Aransas Road Company, to the members of the corporation giving an optimistic presage of the future of the Aransas Road Company and soliciting donations and support. It bears date February 15, 1859.<sup>15</sup>

Although this comparatively local railroad had not been a success, Lea in 1859 had dreams of a transcontinental railway system, a line from the Mississippi to the Pacific. He mentions *The Central Transit* in his circular of 1859. He visualized the Aransas Road Company as a part of that great system. On November 7, 1866, the Central Transit Company was incorporated. Among the incorporators were Luke Lea (United States Senator), Pryor Lea, and Alexander H. Phillips.<sup>16</sup>

Several other railroads were projected on paper, which were to

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<sup>12</sup> *Deed Records*, G. 231, H. 144, 263. See also E, 210.

<sup>13</sup> *Com. Minutes*, I, 116; Huson, *Saint Mary's of Aransas*, Ch. XXIII.

<sup>14</sup> G. L. IX, 6, Act of March 26, 1879. See also chapter "Rockport," post.

<sup>15</sup> Milford P. Norton, *Papers*. See Refugio District Court records for circular of the Peninsula Syndicate.

<sup>16</sup> G. L. V, 1498.



touch, if not traverse, this county; but it was not until 1905 that Refugio County got its first railroad.

Colonel James Power, as an optimist, had no superior. Baffled as he was in his many high emprises, he was never subdued. In 1846, as we have seen, he and the Mississippi Walkers and Robert Hughes projected the new port townsite of Copano near the ancient port of that name. Copano had an established reputation as a port, and all that was needed to bring it up to date was a railroad. The Copano syndicate and Colonel Lea and his associates toyed with each other over the suitable terminus for his projected railroad. This was about 1849. Robert Hughes and Thomas M. League undertook the promotion of a railroad from a Copano Bay terminus to San Antonio. In 1850 they began the organization of the corporation. Colonel Lea, Colonel Volney E. Howard, Colonel Power, and Judge Norton were active in the pre-organization. Lea and others connected with him could not see Copano as the terminus, but at that time favored Lamar, so the alliance collapsed, about the first of 1852,<sup>17</sup> and Lea went forward with his Aransas Road Company incorporation, as has been seen, and the Power crowd pursued the even tenor of their own way.

The latter joined forces with leaders of Corpus Christi to promote a railroad from Copano Bay, through Corpus Christi, to Laredo. On February 16, 1852 (two days after Lea's charter), the legislature incorporated the Texas Western Railroad Company.<sup>18</sup> The incorporators were Colonel Henry L. Kinney, Colonel James Power, Captain James W. Byrne, General Ebenezer Allen, Judge Milford P. Norton, General Hugh McLeod, Colonel Forbes Britton, (future) General Hamilton P. Bee, General William L. Cazneau, Judge William G. Hale, Judge Robert Hughes, Rufus Doane, James McGuffin, Hugh Stephenson, William Mann, Nathan Mitchell, B. M. Browder, Simeon Hart, and T. F. White.

The company was invested with the right to build and operate "a railway, commencing at a suitable point on the Aransas or Corpus Christi Bay, and thence running by such course, and to such points on the Rio Grande and up and down said river, as said company shall deem and determine to be most suitable, with the right of making, owning and maintaining such branches of said railway, as they may deem expedient." The company was to receive from the state eight sections of land of 640 acres each for every mile of railway

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<sup>17</sup> Correspondence between Lea, Hughes, League and Norton, 1850-1851. Milford P. Norton *Papers*.

<sup>18</sup> G. L. III, 1231-1237.

actually completed by them and ready for use. The charter provided that if said railway be not commenced within five years and at least twenty miles thereof completed within six years, the charter should be void. The first meeting of the corporation was to be held at Corpus Christi the first Monday in May, 1852.<sup>19</sup>

Colonel Power, who seems to have been the leading spirit of this project, died August 12, 1852. However, Judge Milford P. Norton took up the torch and was balancing it in June, 1860, when he also died. In its final years, one General Duff Green became the active promoter. We find him at Washington, D. C. and in the east, in the late 50's, attempting to interest finance. The Texas Western Railroad Company never got beyond the "ways and means" stage.<sup>20</sup>

Colonel Power was so confident of the success of his new town of Copano that he decided to make his home there. In 1850 or 1851 he began the construction of a fine two-story shell-concrete residence at Power's Point, in front of the three-room one-story concrete house built by Joseph E. Plummer. The latter house was used by the Power family in connection with the new home, as a kitchen, dining room, and store room.<sup>21</sup> The concrete work on the new Power home appears to have been done by the veteran Matthew Cody. In part payment for his labor and material, the Colonel deeded him a residence site in the town of Copano.<sup>22</sup> It is likely that Cody built most of the shell-concrete houses at old Copano, as Cody was a brick maker and a mason. After his removal to Corpus Christi, Cody supplied brick for many buildings and probably did a great deal of the construction work. He furnished brick to Colonel Kinney for several houses.<sup>23</sup>

Besides railroads there was a great deal of activity on paper in the development of waterways and navigation. Some of the projects were partially fulfilled, but most were printed memorials of the aspirations of the period. Among the incorporations of the 50's were: The Corpus Christi Navigation Company, February 16, 1852, with right to improve channels for navigation for steamboats and other vessels, from the town of Saluria, through the bays of Espiritu Santo, San Antonio, Aransas and Corpus Christi, to the town of Corpus Christi;<sup>24</sup> Colonel Henry L. Kinney and Judge Benjamin F.

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<sup>19</sup> G. L. III, 1231-1237.

<sup>20</sup> Correspondence between Milford P. Norton, Duff Green, and others. *Milford P. Norton Papers*

<sup>21</sup> Philip Power, *Memoirs*.

<sup>22</sup> *Deed, Power to Cody, Dec. 3, 1851, Deed Records, D. 75; see also D. 76*

<sup>23</sup> See numerous accounts and schedules of Henry L. Kinney, among *Milford P. Norton Papers*

<sup>24</sup> G. L. III, 1237-1240. See also IV, 653, 764, 1276; V, 220, 532.

Neal were generally connected with all projects relating to Corpus Christi.

The Guadalupe and San Antonio rivers had been navigable to sea-going vessels in the colonial period. The head of navigation was generally Mesquite Landing, where the Spanish, during the Eighteenth Century, established a port and military installation. Vessels are said to have gone up the San Antonio as high up as the Carlos ranch, and this as late as the Nineteenth Century. However, navigation to large vessels had ceased by 1850.

On August 29, 1856, the legislature incorporated the San Antonio River Navigation Company. The promoters were citizens of Goliad and Refugio counties. The incorporators were William Hobdy, Barton Peck, Henry Canfield, and Alexander H. Cromwell, the latter being the operator of Cromwell's ferry over the San Antonio River.

The company had the charter right "to remove any and all obstructions to the navigation of the San Antonio River, both above and below its junction with the Guadalupe River, so as to improve the same, and render the said river navigable for steamboats from the bay up to the confluence of the said rivers, and from that point as far up the San Antonio River as practicable, and for that purpose to cut down and remove any trees or other obstructions in the bed or upon the bank of said river, either above or below its junction with the Guadalupe River. They shall also have the right to navigate the said River San Antonio with steamboats and other boats, as they may deem expedient from the bay to the falls below Goliad, or as far up the said river as said boats can ascend. . . . That the said company shall be compelled to go to the town of Goliad with their boats every trip, as soon as the falls below Goliad shall have been removed, and the said river made navigable to Goliad for steamboats." The company was given the right to collect tolls on all vessels ascending or descending the Guadalupe. The Act required the consent of the United States Congress before it became effective.<sup>25</sup>

There was more substance than shadow in sea transportation. The ports of this county, though over-rated, did do a noteworthy volume of business. The port of Copano, although not bally-hood like those of Lamar and St. Mary's, did a small, but sound and consistent business because of the Norton enterprises connected with it. Throughout the decade from 1850 to 1860, Copano was a port of delivery of the Saluria Customs District and usually had a surveyor, inspector or wharf agent, functioning. This position com-

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<sup>25</sup> G. L. IV, 725-727.



manded an annual stipend of \$500.00. Walter Lambert was the wharf agent for most of this period. Moses Simpson served in that capacity at other times.<sup>26</sup>

Lamar also did a good port business; and, as we shall see, St. Mary's for a time portended to be the great western port of Texas, and, during its heyday, eclipsed Copano and Lamar in volume of imports and exports.<sup>27</sup>

The session laws of the period show the formation of numerous steamship and shipping lines, chartered to do business with ports between Indianola and Corpus Christi, including the Aransas-Copano bay ports. In 1851 the People's Line of Gulf Steamers, with headquarters at Lavaca, was chartered.<sup>28</sup> In 1852 we find the Corpus Christi Navigation Company, Colonel Kinney, Ebenezer Allen, William H. Jones, and other well-known names were among its promoters.<sup>29</sup> Judge Neal was connected with other navigation projects spawned at Corpus Christi.

During the early 1850's Captain Randolph B. Marcy, who made a number of military surveys in Texas, made a government survey of the Texas coast with the object of finding a good port through which military supplies could be brought to San Antonio. He recommended several sites on Aransas and Copano bays, among them Lamar and St. Mary's. The latter was said to have been the closest practicable port to Chihuahua, Mexico.<sup>30</sup>

As a result of this government survey, the proprietors of both Lamar and St. Mary's endeavored to get ranking army men stationed at San Antonio personally and financially interested in their respective projects. Marcy became interested in the Lamar venture. His relative, William L. Marcy, had been governor of New York (1833-1838) and Secretary of War in the Polk administration (1845-1849), and as such had conducted the Mexican War. Randolph B. Marcy subsequently became a general and the father-in-law of General George B. McClellan.<sup>31</sup> With such family and professional connections Captain Marcy was in a position to interest eastern capital in the development of Lamar.

In the spring of 1856, Samuel Colt and his brother, James B. Colt, founders of the Colt Patent Fire Arms Company,<sup>32</sup> became interested in Lamar Peninsula and the townsite; and with them

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<sup>26</sup> Huson, *El Copano*.

<sup>27</sup> Huson, *Saint Mary's of Aransas*.

<sup>28</sup> *G. L. III*, 1037.

<sup>29</sup> *G. L. III*, 1237-1240.

<sup>30</sup> Lyman B. Russell, *Correspondence*. See Wharton, *Texas Under Many Flags*, II, 33, 45-46.

<sup>31</sup> McClellan, *Own Story*, 2.

<sup>32</sup> Havens and Belden, *A History of the Colt Revolver*; Barnard, *Armsmear*.



General Marcy, Erastus Williams, of Norwich Connecticut, and Samuel B. Tuttle, of Hartford. The Colts and Williams purchased about a quarter interest in 14,000 acres of land, including the whole of Lamar (Lookout) Peninsula and Goose Island, with the exception of certain townsite properties and Captain Byrnes' salt works on St. Charles Bay. The easterners also agreed to loan Byrnes, Allen and Hale an unspecified amount of money for use in developing the townsite and port of Lamar, the proprietors giving to Samuel Colt a mortgage on their remaining three-quarters interest.<sup>33</sup> About the same time, Tuttle acquired from William H. Jones 165 acres of Jones' Headright for the sum of \$4,095.00.<sup>34</sup> Tuttle sold his interest to Noah S. Walker, in 1866.<sup>35</sup> James B. Colt was eliminated from the picture by sale under execution of his interest to satisfy a money judgment which Marcy had obtained against him in Galveston County. Samuel Colt, however, acquired this share from the execution purchasers.

The purposes of the Colts in acquiring their holdings are not explained. Various theories have been suggested. First, the arms manufacturers intended to construct a munitions factory on the peninsula, utilizing therein salt made from the bay. That the acquisition may have had some connections with the arms and ammunition industry is indicated by the interest manifested by General Marcy and other military men and certain New England capitalists in the venture. The second theory is that the Yankees were simply interested in a promotion of a port town site and speculation. The third theory is that the New Englanders merely bought themselves a Texas ranch, as so many Yankees have done before and since.

Samuel Colt died January 10, 1862, after having acquired the interest of his brother after an execution sale, growing out of a judgment in favor of General Marcy against James B. Colt. On August 8, 1870, the heirs of Samuel Colt quitclaimed all interest in the lands to W. G. Hale, Sylvia J. Allen, widow of Ebenezer, and Ann Williams Vineyard, heirs of J. W. Byrne.<sup>36</sup>

The connection of the Colts with Lamar has given rise to numerous stories regarding their activities in this part of the country. It is,

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<sup>33</sup> *Deed Records*, E, 133-135, 135-136, 163, 165, 167, F, 22-25, 25-26, G 15. Same in Aransas County Transcribed Records, A, 159-160, 161-163, 206-207, 208-209, 223-224. Colt's contract to advance money, dated December 19, 1857, mentioned in mortgage. *Vineyard v. O'Connor*, 35 S. W. 1084, 36 S. W. 424; *Vineyard v. Brundrett*, 42 S. W. 232.

<sup>34</sup> *Deed Records*, E, 168.

<sup>35</sup> *Deed Records*, G, 318.

<sup>36</sup> *Aransas Deed Records*, C, 100-102; *Refugio Probate Records*, James W. Byrne Estate, "Colt Claim." See also 42 S. W. 232.

of course, a known fact that Samuel Colt invented the revolver, and perfected the model known as the Colt Walker revolver, which was named by him in honor of Texas Ranger Captain Samuel H. Walker, who operated extensively in Refugio County. It is also a well-known fact that Walker suggested to Colt the improvements which made the pistol formidable and popular.<sup>37</sup> However, one of the stories has it that in the 1840's the Colt brothers were operating a blacksmith shop at Lamar and that Walker, who happened to be in the village, mentioned to Samuel Colt the need for a rapid fire pistol which could be quickly reloaded by a horseback rider, and the Colts devised the plan and hammered out a model in the blacksmith shop at Lamar.<sup>38</sup>

According to accepted history, Samuel Colt invented the first American revolver in 1835 and patented it that or the next year and began manufacturing them on a small scale at Paterson, New Jersey. The first models were muzzle loaders and not practical in warfare. Colt then invented the copper cartridge cap and converted the model into a breech loader. It was used by the United States Army in 1837 in the Seminole War, "but was not appreciated."<sup>39</sup> In the spring of 1839 Colt submitted samples of his patented rifle, carbine, and revolver to General Albert Sidney Johnson, then Texian Secretary of War. The latter ordered General George W. Hockley, Chief of Ordnance, to test the weapons and make a report and recommendations. On March 29, 1839, Hockley reported unfavorably except that he thought the carbine might be valuable in the hands of trained and experienced men, but was too complicated for fresh levies. On October 18 that year he still adhered to his former opinion and preferred arms manufactured in the United States armories "to the patent arms of the day, or the rejection of flint and steel."<sup>40</sup> So the Colts did not get to do much business with the Texian government.

The Colts, receiving no encouragement from the "brass hats" of that day, found themselves in financial difficulties by 1842 and practically suspended business. While one author claims that the Colt-Walker was perfected in time to be used in an Indian fight in Texas in May, 1840, after which it became standard,<sup>41</sup> the facts indicate that the model was perfected at a later date and meanwhile

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<sup>37</sup> Cogswell, *What Sammy Colt's Toy Did for U. S.*, in *Boston Post*, July 4, 1937.

<sup>38</sup> Harry Traylor, *Famous Colt Six Shooter Originated in Workshop of Colt Brothers at Lamar*, in *Rockport Pilot*, October 15, 1942.

<sup>39</sup> *Encyclopedia Britannica*, XVII, 965, also article *Samuel Colt*.

<sup>40</sup> *Lamar Papers*, II, 503, 505, III, 136-138.

<sup>41</sup> Cogswell, in *Boston Post*, ante.

the inventors were discouraged, and it would seem that they left for "places unknown." The devotees of the Lamar theory claim such place to be the smithy at Lamar.<sup>42</sup>

Getting back to accepted history, General Zachary Taylor, during the Mexican War, requisitioned a supply of revolvers. The government having none, looked up Colt and contracted with him to manufacture them. Colt then established his plant at Whitneyville, in the environs of Hartford, and made up 1,000 revolvers for the army.<sup>43</sup> It will be remembered that Samuel H. Walker served under Taylor in the Mexican War and was killed at Buena Vista.

Three shipments of African and Asiatic camels were unloaded from the ships at the port of Indianola, one on April 29, 1856, and the others on January 10 and May 23, respectively, of 1857. At the insistence of Jefferson Davis, then Secretary of War, Congress, on March 3, 1855, appropriated \$30,000 for purchase of camels to be used to transport army supplies across the "deserts" of Texas. The arrival of the first boat load of camels created wide sensation and curiosity. Hundreds of citizens from inland points went to Indianola to see the wondrous beasts. Refugio citizens were among the sight-seers.

The camel herds were driven to a station specially provided for them at Camp Verde, west of San Antonio. The beasts were used by the United States army until it evacuated the state in 1861. The camels were left in Texas. Although the originator of the camel-idea was now president of the Confederate States of America, the Confederate armies appear to have made little or no use of the beasts. The herd was permitted to roam at will, and during the next several years it multiplied prolifically.<sup>44</sup>

The Federal armies on reoccupying Texas made no effort to reassemble the camels. They considered any idea associated with "Jeff" Davis to be anathema. So for ten or more years the herd and its increase roamed wild, until finally groups began to find their way to the gulf coast.<sup>45</sup> Many of the beasts wandered into Refugio County, and their numbers increased until they became a nuisance and even a danger. Young Edward Townsend was almost killed by a mother camel up in the Hynes Bay section of the county. The animals appeared on Lookout Peninsula and at Copano and on the Aransas.

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<sup>42</sup> Traylor, in *Rockport Pilot*, ante.

<sup>43</sup> *Encyclopedia Britannica*, XVII, 965.

<sup>44</sup> Emmett, *Texas Camel Tales; Camels in Texas*, in *Independent*, 75; 579. *Jefferson Davis' Camel Experiment*, *Popular Science Monthly*, 74; 141-152.

<sup>45</sup> Emmett, *op. cit.*, *Senate Ex. Document No. 62*, 34th Congress, Third Session.



Former Sheriff Peter A. Johnson says:

"The scent of the camels was offensive to horses, and whenever the alien beasts were near at hand, horses became frightened or infuriated, and unmanageable. The camels were also adept at breaking down fences and eating or trampling down crops. So that during the Re-Construction period, hunting parties were gotten up which systematically tracked down and killed all of the camels in this county. This appears to have been the experience of other adjacent counties, including Victoria."

The late Philip Power tells, in his *Memoirs*, of an experience the women of Copano had with the camels in the 1870's. Young Phil was entrusted with the duty of hauling the women and the community wash to Melon Creek each week. "On one of these wash days an amusing incident occurred. We were enroute to the creek, with the wagon piled with dirty clothes and empty barrels, and the women seated on top of the bundles of clothes. My mother (Mrs. James Power), Mrs. Moses Simpson, and Mrs. [Francis] Adams were in the party, and I was prodding along a yoke of stubborn oxen. Suddenly and unexpectedly some camels appeared out of the brush and frightened the oxen, which ran away with the wagon. The women were spilled and the clothes and barrels were scattered all over the ground. I finally got the oxen to stop and went back and picked up the clothes and barrels. The women were as scared as the oxen, as a camel was something unusual in that vicinity. When the washing was done and we started back to the village [Copano] I could not get the oxen to return over the same route.

"... The camels in this county finally became so numerous and such a nuisance that hunting parties were gotten up to go out on the prairies and into the timber bottoms and kill the poor beasts. In this way the camels in this section were exterminated."<sup>46</sup>

Camels roved over Lookout Peninsula until they were exterminated.<sup>47</sup>

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<sup>46</sup> Philip Power, *Memoirs*. See also statement of Sheriff Johnson as to the camel-hunting parties.


<sup>47</sup> *Rockport Pilot*, (70th Ann. Ed.).

This chapter is a condensation of Huson, *Saint Mary's of Aransas*, which is based on a minute examination of the Deed Records, Commissioners' Minutes, Probate Records, School Reports, Reported Cases, and other public and private papers; the Correspondence of Lyman Brightman Russell, papers of Charles A. Russell, Recollections of Mrs. Sallie J. (Russell) Burmeister; Russell, *Granddad's Autobiography*; Beeman, *Fire-side Chats with the Children*; W. L. Rea, *Memoirs*; C. K. Stribling, *Diary*; Masonic Grand Lodge Records; and statements and letters from most of the old settlers or their descendants, too numerous to list. Mrs. Camilly Y. Neighbors' thesis, *Old St. Mary's*, is based upon Huson, *Saint Mary's of Aransas*, with new matter supplied by Mrs. Burmeister, Andy Brightman, and facts discovered after completion of Huson's original work. The thesis is used as authority for such new facts.



## CHAPTER XXXII

### THE RISE OF ST. MARY'S

HE Joseph F. Smith townsite at Black Point, conceived in 1839, marked time until 1857, awaiting the outcome of the litigation with Power. In 1856 the courts decided Smith and Williamson's junior surveys to be paramount, and the principal obstacle to the development became removed. Smith lost no time in getting the project under way. He engaged Captain Frederick Augustine with his boat *Waterloo* to make soundings of the bay and mark out the most practicable channel to the gulf. The result of Augustine's findings, together with other considerations, determined Smith to locate his townsite about two miles up the bay from Black Point. Smith's original intention had been to build the town at Black Point (site of present day Bayside) on the Joseph F. Smith Survey. Because of change of plan, the townsite was platted on what was thought to be the Elisha Maxey Survey (owned by Joseph F. Smith), but it later developed that about a quarter of the townsite lay in the T. T. Williamson Survey (which was not owned by Smith). The new townsite was named *Saint Mary's of Aransas*.

Smith, never doubtful that his junior surveys would prevail, had part of the land between Black Point and Mission Bay subdivided into farm lots, prior to 1856. The townsite of St. Mary's was platted later—in 1856 or 1857. Pending the termination of the title suits, Smith sold a number of farm lots and acreage tracts to families who settled thereon (many prior to 1855), on Smith's agreements of indemnity. Some of the settlers were newcomers to the county, while some were already citizens. Thus it was that the farm lots and acreage tracts were settled considerably in advance of the townsite.

Among the purchasers of acreage at and near Black Point proper were Major Cyrus W. Egery, Major John Howland Wood, Henry, John, and William Clark, Elisha Maxey, James R. McCarty, Dr. Rufus Abram Nott, Benjamin F., Cornelius Kinchloe, and Thomas Haile Stribling. These and Joseph F. Smith and General Thomas Taylor Williamson were at Black Point in 1855. Among the purchasers of the farm lots were (in Quo Warranto Bayou section), John Cassaday, John Chambless, David and Elizabeth Corsant, William J. Dorsett, Theodore Monroe Dorsett, Charles E. Dugat, Theophilis

Dugat, Augustus A. Dunn, A. M. Gary, Thomas B. Kimball, Charles F. A. Leisering, Benjamin Maley, John Martin, James M. Martin, John Maton, James and Augustus Peeks, Elias Rice, and Mary Rice, William G. Roark, Lieuen M. Rogers, William T. Townsend, and John Weed. Some years later, Colonel L. B. Camp, Basil Crow Brashear, William Green Kelley, David M. Rupe, acquired farms in that area. On Mission Lake-Bay area were John A. Barber, Lyman Brightman, Joseph A. Lemoire, James R. McCarty, Charles P. Miles, Edwin Peets, Joseph A. Seward, Marion Seward, Charles Smith, Joseph A. Swingard, Joseph Toups, Sevan Toups. Most of these families were settled on their farms by 1857, although a few came within the next three or four years.

Besides these families, there were several others living on and beyond the Aransas River, who, although not coming to the county as St. Mary's settlers, were always identified with that community. These included the Welders, Aldretes, John Linney, Pedro N. Curbello on the north side of the Aransas and Youngs Coleman, who ranched on Chiltipin Creek on the San Patricio side. Later Daniel C. Doughty and Jeremiah and Robert Driscoll, who had land holdings on the Aransas and operated them after the Civil War, became pillars of the St. Mary's community. These families have been already mentioned.

John Linney, who was a son-in-law of Pedro N. Curbello, came with his large family to this county in 1855. The first landed holding of this patriarch was a 50-acre tract at the Aransas reef, purchased from Thomas Welder. The land had been formerly a part of the Captain Philip Dimmitt ranch on the Aransas.<sup>1</sup> In time John Linney became an extensive landowner in Refugio and Goliad Counties and one of the largest ranchers in the section. It is said, and we believe truthfully, that on one occasion he gave a good personal check for \$250,000 in a single business transaction. The Linneys were colonial settlers of Liberty County.<sup>2</sup>

By 1852 a sufficient population had accumulated at Black Point to induce the establishment of an election precinct there. This was ordered by the Commissioners' Court on February 16, 1852.<sup>3</sup> John Clark was presiding officer for several years. An early road had existed between Corpus Christi and Refugio, via Black Point; and in 1853 Festus Doyle was appointed overseer of this road, with

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<sup>1</sup> Deed Records, E, 100, 102. See *Linney v. Wood*, No. 1868, Victoria D. C.

<sup>2</sup> See *Linney v. Peloquin*, 35 Texas, 29.

<sup>3</sup> Comm. Minutes, I, 73.

instructions to improve it.<sup>4</sup> The Commissioners' records indicate that the Aransas Road Company's turnpike and bridges were extended across the Aransas reef about this time, but other records are silent on the subject.

A public school district (No. 2) was established at Black Point in 1854, and Cyrus W. Egery was appointed presiding judge to hold the necessary elections.<sup>5</sup> Miss Sarah E. Ellis taught this school in 1855. Another school house was built on Quo Warranto Bayou about 1857. The Black Point school was moved to St. Mary's as soon as that town became an actuality, and by 1860 it had been increased to a three-teacher school.

The townsite of St. Mary's was surveyed and platted in 1856 or 1857, probably by Lyman H. Ward. The plat was not placed of record until 1938, when three copies came to light, one being among the John H. Wood papers, another among the Charles A. Russell papers, and the third in possession of Mr. Frank B. Rooke. All copies agreed in the main, but the Wood copy, being slightly more comprehensive than the others, was selected by the author for record as a muniment of history.<sup>6</sup> The plats show the townsite to have contained seven tiers of thirteen blocks each, the blocks being 400 feet square divided into sixteen lots with a 20-foot alley running parallel to the bayshore through each block. Four of the blocks were dedicated to public use, three as parks, and one ominously enough, as the "Court House Square."

Joseph F. Smith reserved the whole of Block 4 for his personal use. This block had bayshore frontage, and on it Smith built a fine three-story shell-concrete house, in which he had his home and office. This was one of the first houses, if not the first, built in St. Mary's. Unfortunately for him, block four was subsequently found to be on the Williamson Survey No. 100; and, as a consequence, Smith lost his fine home, much the same as Colonel Power's family lost their historic Live Oak Point home.<sup>7</sup>

General Thomas Taylor Williamson was a promoter at heart. He came of a distinguished South Carolina family and is said to have been educated both for the law and medicine. His wife, Tirzah Ann, was a sister of Governor McWillie, of Mississippi. The Williamson family came west to Arkansas territory in 1829. There it became acquainted with Governor James W. Robinson, Joseph F.

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<sup>4</sup> *Comm. Minutes*, I, 86.

<sup>5</sup> *Comm. Minutes*, I, 98.

<sup>6</sup> Plat Records.

<sup>7</sup> *Smith v. Russell*, 37 Texas, 247.

Smith, and Henry Miller Shreve. Williamson was one of Shreve's syndicate which founded the City of Shreveport and was legal adviser to the syndicate. In 1841 Williamson had the War Department contract to complete the removal of obstructions to the navigation of the Red River. Williamson had the finest connections, business and social, in Louisiana, and appears to have been a man of some means when he came to Black Point.<sup>8</sup>

Williamson was active from the beginning in the promotion of St. Mary's and particularly in developing its navigation potentialities. He was in Refugio County as early as the fall of 1855.<sup>9</sup> He spent considerable time at St. Mary's between 1857 and 1861, but did not remove his family to the county until after the end of the Civil War. The first wharf and warehouse at St. Mary's was built by General Williamson in 1857. The wharf was located at the foot of Centre Street, and was an elaborate affair, flanked on its landward ends by large warehouses. Block seven, on the bluff above, was donated to Williamson, and was equipped as a cattle shipment pen.<sup>10</sup>

After completion of this improvement, John W. Vineyard, founder of Ingleside, became interested in the development of St. Mary's and acquired acreage in the environs of the townsite. On March 22, 1858, he purchased from Williamson a quarter interest in the wharf, warehouses and appurtenant properties.<sup>11</sup> The properties were jointly held by these men until October 1, 1867, when it was decided to transfer them to Charles F. Bailey, as trustee for a corporation to be formed, known as the Saint Mary's Wharf and Warehouse Company.<sup>12</sup>

The proprietors did not overlook the advantages of having St. Mary's used officially as a port for debarkation of supplies for the United States army stationed at San Antonio and at the numerous outposts of West Texas and the Rio Grande. Captain Marcy, as has been related, had surveyed the gulf coast and had given a favorable report as to Black Point. Marcy, however, had identified himself with the development of Lamar. James Vance, of San Antonio, at that period was a man who was reputed to have great influence in army circles. In 1857 Smith made contracts with Vance and with A. C. Meyers, of New York City, by which Smith agreed to give each a quarter interest in his townsite. In the Vance contract the

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<sup>8</sup> *Shreveport Times* (Cent. Ed.) June 28, 1835. Several articles dealing with Williamson.

<sup>9</sup> See deed from Wm. W. Smith to Joseph F. Smith, October 18, 1855, to which T. T. Williamson and P. A. Thurmond were witnesses, *Deed Records*, E. 160.

<sup>10</sup> *Deed Records*, F. 234-235.

<sup>11</sup> *Deed Records*, F. 238-239.

<sup>12</sup> *Deed Records*, G. 368.



latter "promises to use his influence to make said town a shipping port so far as his influence may extend for the upper section of the country." Meyers also agreed to use his "influence" for the same purpose, but just where his influence lay is not clear.<sup>13</sup> Both contracts appear to have been soon abandoned and forgotten.

While no deeds to town property bearing dates earlier than 1857 seem to have been made, a number of persons and families were on the townsite prior to that time. Smith seems to have had the policy of giving lots to those who would actually build and live upon them; at least, such was done during the infancy of the town. Among those who were in the town prior to issuance of deeds to lots were: Dr. Rufus Abram Nott, who built a two-story drug store and doctor's office; James M. Crandall, who had sold his wharf on St. Joseph's Island and moved to Lamar, but who was here on the ground-floor at St. Mary's. Crandall first contempalted a wharf, but finally built a two-story shell-concrete opera house as well as a dwelling house. Numerous artisans, workmen, and men of the sea sojourned at the townsite, and some remained to become permanent citizens.

The town of St. Mary's by the time the Civil War began numbered among its citizens the following families:

John Adams, W. W. Arnett, Capt. Frederick Augustine, Charles F. Bailey, Frederick C. Bailey, George Bell, — — Bel-  
lowes, William Bewell, William Bonner, T. Borgfeldt, Lucinda  
Borick, John C. Campbell, William D. Campbell, Dr. Enoch  
F. Carpenter, Sam N. Carter, John Cassidy, Henry, John, and  
William Clark (vicinity), W. D. Colton, Stephen Cook, David  
Corsant, Gideon W. Cottingham, James C. Cottingham, James  
I. Cottingham, James M. Crandall, W. S. Cummings, John Dart,  
— — Deweese, Theodore M. Dorsett, James M. Doughy, — —  
Drake, Charles E. Dugat, Sylvanus Dunham, Thomas Dulse,  
Richard and Sarah Dumphy, A. A. Dunn, Joseph W. Dunn, W.  
J. Dunn, George W. Edgett, Cyrus W. Egery, Francis M. Ellis,  
Miss Sarah E. Ellis, Dr. Theodore Fabian, Sarah Fant, R. God-  
dard, Wm. S. Halsey, Charles and Eliza Jane Hess, John W.  
Hester, A. J. Hitchings, Sarah Hitchins, James A. Hockett, Anna  
Slade Hobby, Alfred Marmaduke Hobby, Barney Hobby, Edwin  
E. Hobby, Captain Charles Hughes, H. C. Jordan, Richard Jor-  
dan, Thos. B. Kimball, Captain Elisha Leonard, A. H. Lehan,  
Francis Loftin, Capt. Wm. H. Long, Captain John Low, Samuel  
S. Mapes, J. R. McCarty, Mrs. C. F. V. McGrew, Archibald

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<sup>13</sup> *Deed Records*, F, 496, 498. See Barnes, *Combats and Conquests of Immortal Heroes*, 219, for account of James Vance, see pp. 205-206, for account of Congressman Upson, son-in-law of Vance.

McNeill, T. B. McNeill, Berry Merchant, J. P. Mitchell, J. S. Morris, Isabella Neel, Martin Neel, Stephen Peters, Charles M. Phillips, H. F. Price, Oliver Reid, Mary Rice, Patrick Reynolds, John A. Richmond, James Roark, H. S. Roscoe, George S. Sherman, John Shumaker, Mrs. Eleanor Nancy Shive (later Mrs. J. C. Campbell), Charles Smith, Joseph I. Smith, Captain E. L. Snow, R. H. Spence, A. H. Stewart, Michael L. Stoner, Abel Stowe, B. F. Stribling, Cornelius K. Stribling, Conde Sweeney, Thomas S. Tatum, Dr. J. A. Throckmorton, J. C. Waldrop, Lyman H. Ward, John Willett, Gilbert Bee Willett, General T. T. Williamson, Morris Wilson, Thomas H. Wilson, John H. Wood, Mrs. Eleanor N. Campbell, John W. Vineyard.

The port of St. Mary's almost immediately became the largest lumber and building materials center in Western Texas. In that period Florida long leaf pine was staple in this part of Texas, and many buildings constructed of that material are standing today. Notably among these is Major Wood's once palatial home, now towering over the picturesque village of Bayside. The lumber was brought from Florida to St. Mary's in large three-masted schooners. J. I. Cottingham established the first lumber yard at St. Mary's and for many years did a large importing business. Later other large lumber yards were established at St. Mary's, raising her to the pre-eminence which was hers for almost two decades. Besides lumber, a large volume of manufactured goods flowed through this port. There was a small export business in cattle and livestock.

Lumber and other imports coming into St. Mary's were carted long distances to the interior, principally to Refugio, Beeville, Goliad, San Antonio, and Uvalde. Trains or carts and wagons were hauled regularly between St. Mary's and the interior, and within a short time considerable traffic of all kinds radiated from the port. This condition led to improvement of highway facilities and the opening of new roads and ferries. A well-travelled road between St. Mary's and Corpus Christi was early established. The old road between Black Point and Refugio was improved, and a ferry established on the Mission River below the mouth of Saus Creek by Thomas B. Kimball.<sup>14</sup> A new road between St. Mary's and Refugio was opened by way of Mission Lake, and James B. McCarty established a ferry on the river on this road.<sup>15</sup> A direct road was opened between St. Mary's and Beeville,<sup>16</sup> and from St. Mary's to the Aransas crossing

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<sup>14</sup> Com. Minutes, I, 194 (July 6, 1859).

<sup>15</sup> Com. Minutes, I, 186 (1859) 188, 195.

<sup>16</sup> Com. Minutes, I.

of the Refugio-San Paricio road.<sup>17</sup> Major Egery, James R. McCarty and Joseph F. Smith were early road overseers.<sup>18</sup>

Smith was indefatigable and energetic in obtaining additional shipping facilities for St. Mary's. On June 23, 1858, he made a contract with John W. Vineyard whereby the latter agreed to build another wharf and warehouse in front of a 263.44-acre bayshore tract adjoining the townsite on the southwest. Vineyard was to have a fourth interest in the acreage and a half interest in the wharves and warehouses he should build.<sup>19</sup> In the summer of 1860 Smith contracted with Gilbert B. Willett to build a warehouse "suitable for doing a founding and commission business." This warehouse was to be located 80 feet west from the Williamson warehouse and abutting their wharf.<sup>20</sup> Willett completed this improvement by 1861. It later passed to the St. Mary's Wharf and Warehouse Company.<sup>21</sup> There is a conflict of authority as to whether or not Vineyard built the second wharf.

Contemporaneously on Smith's agenda was the procurement of regular boat service, passenger and freight, into St. Mary's. In 1857 or 1858 he made a deal with Captains Peter and Theodore Johnson to make regular calls with their two large schooners,<sup>22</sup> and these brought the mails to the town, and provided a regular passenger and freight service. In 1860 he induced Captain Elisha Leonard of Bondin, Maine, to settle at St. Mary's and run a schooner between that port and Pensacola.<sup>23</sup> Captain E. L. Snow, who settled in the town, operated a scow or barge and engaged in intercoastal traffic. Captain Marion Seward also operated his vessels into the port at an early date, as did Captain Frederick Augustine.<sup>24</sup>

Lyman H. Ward and William H. Long were the first surveyors to settle in the town.

Williamson, Vineyard, and John and Gilbert Bee Willett were wharfingers and warehousemen. Captain Charles F. Bailey later became connected with the business.

Men of the sea, who were among the original settlers, included Captain Frederick Augustine, Captain Charles Hughes, Captain Elisha Leonard, Stephen Peters, Captain E. L. Snow, and Captain Marion Seward.

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<sup>17</sup> Com. Minutes, I, 186 (January 3, 1859) 188, 195, 204, 210.

<sup>18</sup> Com. Minutes, I, 161 (1858): See I, 182.

<sup>19</sup> *Deed Records*, F, 127, *Vineyard v. Smith*, 34 Texas, 554.

<sup>20</sup> *Deed Records*, F, 595.

<sup>21</sup> Sallie J. Burmeister, *Recollections*.

<sup>22</sup> Johnson, *Two Sea-Captains Johnson*.

<sup>23</sup> *Deed Records*, F, 473.

<sup>24</sup> L. B. Russell, *Correspondence*; Johnson, *Two Sea-Captains Johnson*; Louis H. Johnson, *Recollections*.



John Shumaker and Abel Stowe operated carts and wagon trains in and out of St. Mary's.

The townsite began to be built up with store buildings and residences, a few of them quite pretentious. Smith donated a building lot to each important religious denomination of that period, but only one—the Presbyterian—ever erected a church edifice; and even it was used for schoolhouse purposes. The Methodists eventually built a two-story building at Well Mott, which was used principally as a public school. The two-story drug store of Dr. R. A. Nott has been mentioned, as has been Crandall's two-story shell-concrete "opera house." Post & Hobby and Samuel S. Mapes each built two-story wooden store buildings. The upstairs of the Hobby building was used by the Masonic Lodge. Loftin & Ellis, William D. Campbell, H. C. Jordan, George S. Sherman, Berry Merchant, and Captain John Low were original merchants of the town. Sherman conducted what was known as a "barrel-house," a combination grocery and liquor establishment. A two-story wooden hotel, the Neel House, was the first hostelry in the new town. It was built by P. M. Neel and later operated by his wife, Mrs. Isabella Neel. A second hotel was built by Francis M. Ellis, who later replaced it with the famed three-story Ellis Hotel, which after the decline of St. Mary's was moved to Beeville.<sup>25</sup> A portion of the Neel House is still standing at St. Mary's, being the home of the Brightman boys.

The building activity naturally attracted contractors, builders, and artisans to the new town. Archibald McNeill was, perhaps, the principal general contractor. T. P. McNeill established a brick yard. Captain John Low was a carpenter-contractor. Patrick Reynolds and Conde Sweeney were brick, stone, and shell-concrete masons. — Bellowes established the first smithy in the town.

The pioneer doctors were Drs. R. A. Nott, J. A. Throckmorton, Enoch F. Carpenter and Theodore Fabian. Dr. Nott, as has been stated, also conducted a drug store, which was large and well equipped.

The first lawyers were Joseph F. Smith, Cornelius K. Stribling, and General T. T. Williamson. Thomas Haile Stribling is said to have intended hanging out his shingle at St. Mary's. He bought a farm on the outskirts of the town, but established himself at San Antonio, where he became prominent as lawyer, district judge, and financier. Isaac Newton Mitchell is said to have practiced law a

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<sup>25</sup> See Madray, *History of Bee County* (for picture); Sallie J. Burmeister, *Recollections* (for detailed description). L. B. Russell, *Correspondence*.



short while at St. Mary's. His widow and children and sister, Mrs. Kay, lived there for several years. Michael L. Stoner is said to have been admitted to the bar.

The Hobby family consisted of the widow, Anne E. Slade Hobby, and her sons—Alfred Marmaduke Hobby, Edwin M. Hobby and Barney Hobby. They came to St. Mary's in 1857 and established the general mercantile business of Post & Hobby.<sup>26</sup> Post appears to have been a resident of New Orleans and never lived at St. Mary's.<sup>27</sup> Alfred M. Hobby was immediately appointed notary public for Refugio County. He is said to have been a silver-tongued orator. He was sent to the legislature at the next election and represented this district in the Secession Convention. He organized at St. Mary's the 8th Texas Infantry Regiment, of which he was colonel and his brother Edwin a captain. Edwin M. Hobby, who was the father of former Governor William Pettus Hobby, became a distinguished lawyer, text-writer, and jurist of Texas.<sup>28</sup>

Captain John Low has been previously mentioned in connection with the Battle of the Salado (1842), where he personally ended the career of Vincente Cordova. He continued to serve with Captain Hay's famous Rangers and during the Mexican War was a lieutenant in that distinguished command. After the war he left the Rangers and settled at Corpus Christi, where he was elected assessor-collector of Nueces County. We will see more of him during the Civil War.

Archibald McNeill originally settled in Montgomery County, Texas, which he represented in the Annexation Convention. He also represented that county in the First and Second Legislatures, and was its sheriff for one term. He went to California in the "Gold Rush," after seeing service with Captain Hay's Rangers in the Mexican War.<sup>29</sup>

One of the proud boasts of Old St. Mary's was its Black Point Lodge No. 250, A. F. & A. M., founded May 16, 1860. The charter members of this historic lodge were: James R. McCarty, Youngs Coleman, John W. Vineyard, William T. Townsend, James I. Cottingham, Cornelius K. Stribling, G. D. Gay, Stephen Peters, Cyrus W. Egery, Francis M. Ellis, Edwin Peets, Joseph A. Lemoire, W. P.

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<sup>26</sup> Huson, *St. Mary's of Aransas*; L. B. Russell, *Correspondence*.

<sup>27</sup> *Trotti v. Hobby & Post*, 42 Texas, 349. (Edwin M. Hobby, attorney for Hobby & Post. See also 51 Texas, 147).

<sup>28</sup> Daniell, *Personnel of Texas State Government*, 93; Speer, *Texas Jurists*, 143. Edwin Hobby was author of Hobby's *Texas Land Law*, cited in this work, and Huson, *Refugio Pueblo Grant*.

<sup>29</sup> Lindley, *Biographical Directory*, 133.

Roscoe, Enoch Franklin Carpenter, C. P. Miles, and William J. Dorsett. James M. Doughty, Charles E. Dugat, Alfred M. Hobby, W. J. Dunn, T. M. Dorsett, William W. Arnett, and J. A. Stewart affiliated with it upon its institution, May 26, 1860.<sup>30</sup>

Cornelius K. Stribling was Grand Lecturer of the Western Masonic District of Texas, 1860-1862.<sup>31</sup> Years later, Lieuen M. Rogers occupied the same exalted position in that ancient fraternity.




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<sup>30</sup> Huson, *Saint Mary's of Aransas*, Chapter 8; L. B. Russell, *Correspondence; Records of Grand Lodge of Texas*.

<sup>31</sup> C. K. Stribling *Diary (1861-1862)* M.S. in possession of family.

## CHAPTER XXXIII

### POLITICAL TRANSITION

HE decade 1850-1860 marks the beginning of the transition of the county government from the old colonial families into the newcomers to the county. In 1850 the county officers were Walter Lambert, chief justice; Michael Whelan, Timothy Hart, Thomas O'Connor and John H. Wood, associate justices; John W. B. McFarlane, county clerk; John Hynes, sheriff; Moses Simpson, assessor-collector; John Shelly, treasurer; Patrick O'Boyle and James B. Wells, justices of the peace; Patrick Shelly, district clerk; and David Snively, district surveyor.

In 1852 the officers were Walter Lambert, chief justice; John H. Wood, Edmund St. John, James W. Byrne and Thomas O'Connor, justices; John W. B. McFarlane, county clerk; Patrick Shelly, sheriff; Moses Simpson, assessor-collector; John Shelly, treasurer; Mansfield Barlow and Patrick O'Boyle, justices of the peace. John W. B. McFarlane died about January, 1852, and the vacancy caused by the death of this venerable hero caused several changes in the political set-up. Patrick Shelly was appointed clerk *pro tempore*, and John Fagan was appointed sheriff. John Shelly was finally appointed clerk, and Patrick Shelly was thereupon appointed treasurer. Benjamin F. Faulk became district clerk, and John W. Glynn, district surveyor.

In 1854 the officers were Lieuen M. Rogers, chief justice; John H. Wood, Philip C. Paul, Daniel C. Doughty and John D. Logan, justices; Patrick Shelly, county clerk (he succeeded John Shelly, who died in office); Thomas S. Tatum, sheriff; Henderson Williams, constable Precinct No. 1; Moses Simpson, assessor-collector; Milford P. Norton, treasurer; J. B. Patterson, district clerk; Abram H. Lea, surveyor, who was succeeded in 1855 by Henry F. Snively, surveyor. The first political rift in court house circles occurred in 1855, when Moses Simpson was removed as assessor-collector<sup>1</sup> and J. B. Patterson was removed as district clerk.<sup>2</sup> James M. Doughty was appointed to serve the unexpired term of Simpson.<sup>3</sup> Milford P. Norton had served the preceding two years as road overseer of Precinct No. 1. Walter Lambert, on retiring as chief justice, accepted appointment

<sup>1</sup> *Comm. Minutes*, I, 103, 106.

<sup>2</sup> *Comm. Minutes*, I, 107.

<sup>3</sup> *Comm. Minutes*, I, 106.

as road overseer for the Copano precinct. Norton resigned as treasurer in 1856, and A. L. Doughty was appointed in his place. William St. John served as treasurer during part of 1855, and William R. Reed was district surveyor for a short time during the same year.

In 1856 the officers were Charles G. Norton, chief justice; Daniel C. Doughty, John Hynes, William Fagan and John H. Wood, justices; Patrick Shelly, county clerk; A. C. Reed, sheriff; J. M. Doughty, deputy sheriff; James M. Doughty, assessor-collector; Walter Lambert, treasurer; J. B. McFarlane, district clerk; A. H. Lea, district surveyor; Henderson Williams, constable Precinct No. 1; Moses Simpson and J. M. Doughty were candidates for office of assessor-collector. Simpson contested Doughty's election, but the latter was declared elected.<sup>4</sup>

In 1858 the officers were Charles G. Norton, chief justice; John A. Barber, Daniel C. Doughty, John Hynes and William Fagan, justices; Patrick Shelly, county clerk; William Holbrook, sheriff; James M. Doughty, assessor-collector; A. L. Doughty, treasurer; George W. Routt, constable Precinct No. 1; John F. Fenner, district clerk. In 1859 there were some changes in this personnel. Sheriff Holbrook vacated his office. Dr. William P. McGrew was appointed acting sheriff. C. P. Miles got the permanent appointment. William Sheriff became surveyor, vice A. H. Lea, dead. Mansfield Barlow received the permanent appointment. H. C. Ives became district clerk.

In 1860 the officers were Lieuen M. Rogers, chief justice; Samuel M. Robinson, Daniel C. Doughty, Allen J. Heard and Joseph C. Fagan, justices; Patrick Shelly, county clerk; C. P. Miles, sheriff; Joseph F. Yale, deputy sheriff; James M. Doughty, assessor-collector; A. L. Doughty, treasurer; Mansfield Barlow, county surveyor; Joseph A. Lemoire, constable Precinct No. 2; H. C. Ives, district clerk.

To further show the transition of power, the personnel of election, school, and road officials may be cited. The election officers for 1850 were Patrick O'Boyle, William Kuykendall and James B. Wells. Henry D. Norton was road overseer for Precinct No. 1. The election officers for 1851 were Patrick O'Boyle, William Kuykendall, James W. Byrne and Henry D. Norton. The road overseers were Milford P. Norton and James Hews. In 1852 the election officers were Patrick O'Boyle, Martin L. Byrne, James B. Wells, Henry D.

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<sup>4</sup> *Comm. Minutes*, I, 124.



Norton, Cyrus W. Egery, William Kuykendall and James W. Byrne. The road overseers were Milford P. Norton and Daniel Fox.

In 1855 the commissioners to lay out road from Thomas O'Connor's corner on Melon Creek to Crescent Village on Hynes Bay were Dr. Pulaski A. Thurmond, Thomas S. Tatum, John D. Logan and A. C. Reed. Dr. Thurmond was also appointed road overseer.

In 1857 the commissioners to lay off the public road from S. Lewis' ferry on the San Antonio River to the Town of Refugio were Thomas O'Connor, John O'Brien, John Hughes and W. B. Gibson. The election officers for 1857 were William J. Dorsett, Joseph Fagan, James B. Wells, Joseph E. Plummer, John Clark, Tully Kemp and Samuel M. Robinson.

In 1859 the commissioners to view the road from Refugio to St. Mary's and from St. Mary's to San Patricio crossing of the Aransas near Aldrete's, were Joseph F. Smith, J. R. McCarty, C. E. Dugat, J. M. Crandall and T. M. Dorsett. The road overseers for that year were Augustus A. Dunn, Henry B. Williams, William J. Dorsett, Daniel Fox, James H. Tom, Patrick H. Byrne and James B. Wells. Another jury of view consisted of Cyrus W. Egery, J. M. Doughty, Allen J. Heard, John O'Brien and Peletiah Bickford.

In 1860 the road overseers were Joseph F. Smith, General Jackson Brown, Michael Whelan, James Power (Jr.), Peletiah Bickford, John M. Cayce and Philip C. Paul.

During this period the commissioners' court had two rather unusual powers, one being the naturalization of aliens,<sup>5</sup> the other being the licensing and supervision of ferries.<sup>6</sup> Among those naturalized by the Refugio commissioners' court were Edward Fennessy,<sup>7</sup> Jacob Graff,<sup>8</sup> Charles Smith,<sup>9</sup> and Thomas McGuill.<sup>10</sup>

The public ferries in this county during the period under scrutiny were: Carlos de la Garza, John White Bower, Mrs. Bridget Bower, and Rafael de la Garza, at Carlos Crossing of the San Antonio; Dr. Royal W. Wellington, on San Antonio; Alexander H. Cromwell, on San Antonio; S. Lewis, on San Antonio; Green Clay, on San Antonio; William McGrew, Peletiah Bickford, on Guadalupe; Thomas B. Kimball, on Mission below mouth of Saus Creek; James R. McCarty, on Mission River between Mission Lake and Mission Bay.<sup>11</sup>

In 1851 word was received of the death, on March 4 of that year,

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<sup>5</sup> United States Statutes.

<sup>6</sup> Oldham & White, *Digest of Laws*, Arts. 909-927; Act January 5, 1854, Act January 23, 1860.

<sup>7</sup> *Comm. Minutes*, I, 145.

<sup>8</sup> *Comm. Minutes*, I, 149.

<sup>9</sup> *Comm. Minutes*, I, 216.

<sup>10</sup> *Comm. Minutes*, I, 234.

<sup>11</sup> *Comm. Minutes*, I, 37, 55, 143, 184, 194.

of Governor Henry Smith in Los Angeles, California.<sup>12</sup> Governor Smith, Judge James W. Robinson, Colonel Richard Roman and John C. Hays and numerous others who had been connected with Refugio County, had joined the "Gold Rush" to California in 1849. All of these men at once became politically prominent in the new territory of California. Robinson was district attorney at San Diego, dying there October 27, 1857.<sup>13</sup> Colonel Roman became state treasurer of California and died at San Francisco on December 22, 1875.<sup>14</sup> Colonel Hays became surveyor-general of the Golden State in 1852.<sup>15</sup> Hugh May, who settled on May's Creek in 1853,<sup>16</sup> Francis Marion Swift, Sr.,<sup>17</sup> and Archibald McNeill<sup>18</sup> were also in the Gold Rush.

Colonel James Power died at his historic Live Oak Point home on August 15, 1852. Shortly before his death he had Judge Norton draw his will, which was witnessed by his old neighbor, Captain James W. Byrne, and his dear and faithful friend, Walter Lambert, ————, Executors. The will is probated in Refugio County.

At the time of his death the new home at Copano was about completed, but the Power family had not yet moved into it. Colonel Power was buried in a brick vault on the grounds of the Live Oak Point home. After the title to this land had failed, his remains were taken to Refugio and interred in Mount Calvary Cemetery, where they now rest.<sup>19</sup>

The land speculators and vacancy-hunters had been indefatigable in plastering the old colonial grants in Refugio and San Patricio Counties with junior surveys. The Land Commissioner refused to issue patents for many of these new surveys, but too many were issued. Tens of thousands of unlocated land certificates were current, and practically all of the desirable lands in settled counties had been titled. Rather than go out into the Indian infested, wild, public domain to the west, northwest, and southwest, the representatives of many of the certificates preferred to oust the old settlers of the two Irish counties, where the land was good and settlement was comparatively safe. Among the vacancy-hunters were men of influence and prestige, whose headquarters were at the state capital.

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<sup>12</sup> Brown, *History of Texas*, II, 363; Brown, *Life and Times of Henry Smith*; Lindley, *Biographical Directory*, 172.

<sup>13</sup> Huson, *District Judges of Refugio County*, 40, 52; Lindley, *Biographical Directory*, 160.

<sup>14</sup> Huson, *Iron Men*, 74-76; Lindley, *Biographical Directory*, 162; Brown, *History of Texas*, II, 334.

<sup>15</sup> Thrall, *History of Texas*, 550; Brown, *History of Texas*, II, 334.

<sup>16</sup> Madray, *History of Bee County*, 51-52.

<sup>17</sup> Huson, *St. Mary's of Aransas* (Swift).

<sup>18</sup> Lindley, *Biographies*.

<sup>19</sup> Philip Power, *Memoirs*; Lindley, *Biographical Directory*; Dixon, *The Men Who Set Texas Free*; Huson, *Officials of Refugio County During the Republic*; Oberste, *History of Refugio Mission*; Thrall, *History of Texas*; Lamar Papers; Huson, *El Copano*.

Rumors became current that an effort was to be made to have the next legislature enact a law whereby the Land Office should refuse recognition to the colonial titles in the two counties. The grounds for this unusual proceeding was that the Irish Colonists had been traitors to Texas during the Revolution. Religious prejudice was injected into this effort. Because most of the colonists were practical Catholics, it was insinuated that their sympathies had naturally laid with Catholic Mexico.

Indignation meetings had been held by the citizens from time to time, but, in view of the proposed legislation, it was decided to hold a widely representative mass meeting of citizens of Refugio and San Patricio Counties, to take effective means and measures to meet the impending attack. This meeting was held at Refugio on October 10, 1853. John Hynes, chief justice of the County, presided. Patrick Shelly and Martin L. Byrne were secretaries. The keynoter was Captain Alfred S. Thurmond, hero of the Mier Expedition and later representative from the Refugio district. Judge Milford P. Norton took a leading part in the deliberations.

A memorial to the Legislature, directing attention to the wrongs being perpetuated on the settlers and presenting detailed facts in refutation of the charges of disloyalty, was drafted. The memorial was drafted by a committee composed of Colonel William McGrew, Dr. Thomas N. Carter, John Corrigan, Judge Patrick Shelly, Henry Clark, Moses Simpson and Edmond St. John.

A committee consisting of Colonel McGrew, Edmond St. John, Thomas O'Connor, John H. Logan, John Corrigan, Judge Milford P. Norton, Patrick Shelly and Walter Lambert was appointed to present the memorial to the Legislature.

The memorial was signed by Moses Simpson, Samuel S. Mapes, Michael Cassidy, Moses Plyler, John McGrew, Thomas N. Carter, Alfred S. Thurmond, Patrick Byrne, William Fagan, Joseph Fagan, John Scott, Henry Scott, John Corrigan, A. B. Holbrook, Thomas Kuykendall, Patrick Fadden, James McGrew, Walter Lambert, James Power (Jr.), William Andrews, Samuel M. Robinson, William McGrew, Edmond St. John, James Ellison, Thomas O'Connor, John McGrew, James Fagan, Morgan O'Brien, Edward O'Driscoll, John O'Sullivan, William Kuykendall, James McMullen, James Fox, Festus Doyle, Thomas M. Duke, A. McGloin, John O'Connor, John Shelly, William St. John, William Hynes, Patrick O'Boyle, Edward

Fennesy, Henry Clark, Michael O'Donnell, T. C. Heard, Thomas Welder, Patrick Hart, G. Kirbe, Daniel Fox and Garrett Fox.<sup>20</sup>

The memorial was delivered to each house of the Legislature. It was referred on January 3, 1854, to the Committee on Public Lands, of which Darwin M. Stapp was chairman.<sup>21</sup>

Joseph F. Smith filed a Philippic in answer to the memorial. His answer was dated Refugio, November 1, 1853. He added a postscript as follows: "P. S. I had forgotten the best part of those who seek relief, and that is, that about one-half of these colonists were traitors in the revolution, and many fought against us. Smith."<sup>22</sup>

The Legislature took no action one way or the other, but, thereafter, general assaults on the colonial titles in Refugio County ceased for almost ninety years.

The great prairies west of the San Antonio River were, during the 1850's, the range of hundreds of wild Texas mustang and wild cattle. From time to time settlers would organize mustang chases and go out onto the prairies and corral as many of these fiery animals as they might desire. The chases were thrilling and great sport, as well as moderately profitable. However, there were some citizens who were careless in identifying wild animals from gentler, domestic breeds, and under the guise of mustang hunts gathered in equines and bovines which had been already reduced to private ownership. To remedy the evil the legislature, on February 6, 1856, enacted a law regulating mustang chases west of the San Antonio River. Under the law a permit, good for not more than six months, had to be obtained by a prospective mustang wrangler from the chief justice of some county lying west of the aforesaid river. In order to get the permit it was necessary to post bond and to present to the county treasurer all animals captured and to pay the state a royalty on all unbranded stock.

The holder of a permit was made responsible for the orderly conduct of his associates, and for the presentation of all animals, horses, mules, and cows captured, and for the reporting of all branded livestock taken in the chase.

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<sup>20</sup> The memorial particularly referred the Legislature to Francis Dietrich, of Austin, for facts concerning the loyalty of the Irish. Dietrich had been a Power colonist, and a soldier, and was with Captain King when he was captured. Dietrich was exempted from the massacre of King's men by Colonel Holzinger. He moved to Austin after the war and became a leading merchant. He married Sarah Elizabeth Glasscock (widow of Rev. J. M. Whipple), daughter of Thomas Glasscock, of Austin. In Brown, *Indian Wars*, 740, it is said: "June 17, 1847 she wedded Mr. Francis Dietrich, who for many years was one of the leading merchants of Austin. He was a native of Germany, and was born at Cassel, February 2, 1815. He was sent to America in 1831 to be educated in New York City. . . . He engaged in business and acquired property at Victoria, but lost it by fire at hands of Mexican invaders."

<sup>21</sup> Memorial No. 164, *Protest of Power and McGloin's Colonists*, File Box No. 101; Archives State Department, in State Library.

<sup>22</sup> Memorial No. 154, *Joseph F. Smith's Reply*, File Box No. 78; Archives, State Department, in State Library. See also Philip Power, *Memoirs*; and Huson, *Saint Mary's of Aransas*.



The act provided that it should not be lawful to run mustangs or wild cattle within the spring or summer months, March to August, both inclusive; nor should it be lawful to run mustangs or wild cattle within ten miles of the Rio Grande. The law provided for advertisement for sale of branded stock gathered in the chase. If no claimant appeared, the stock was to be sold at the courthouse door and the proceeds divided between the captors and the county treasurer, with retainages to the chief justice or county clerk.<sup>23</sup>

Refugio County remained without a courthouse building until 1857. The old mission served as a courthouse at various times between 1837 and 1857. The Minutes show it to have been so used in 1840, and various sheriff's deeds subsequent to that year recite posting of notices and holding judicial sales at the mission. The building had grown more dilapidated as the years rolled on, until in 1847 we find the Commissioners' Court renting a residence for the holding of the district court. The last record we have of using the mission as a courthouse is the Minute entry for August 15, 1853, when the commissioners ordered "that Edward St. John receive the sum of \$6 for the use of the old mission church for the purpose of holding the next term of the district court." The Commissioners' Court at that time went on record as favoring steps to procure a courthouse and jail for the county.<sup>24</sup>

The plan of the Mexican *pueblo* had provided for a central public square to be known as *Plaza de la Constitution*, the block on the west side thereof to be dedicated to public use for municipal buildings and military headquarters, and the square to the east to be devoted to ecclesiastical purposes. The Town of Refugio succeeded to the rights of the old *pueblo*, and the present court house site, facing King Park (the former Constitutional Plaza), was owned by the town and not by the county.<sup>25</sup> The charter of the Town of Refugio, as well as those of most other Texas *pueblos*, authorized the towns to use proceeds of sales of their lands to building a court house.<sup>26</sup> This the Town of Refugio undertook and commenced on the present court house site, as will be hereafter discussed. The town also undertook to vest title in the Roman Catholic Church to the half block lying

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<sup>23</sup> G. L. IV, 261-262.

<sup>24</sup> *Commissioners' Minutes*, I, 89. See *Deed Records*, D, 144-145, where recitation in deed dated July 30, 1850, that property was sold at the church door, indicating that Mission was then being used as a court house.

<sup>25</sup> *Decree No. 16*, March 24, 1825; *Instructions to Commissioners*, Sept. 4, 1827; *Decree No. 190*, April 28, 1832; (See these in *Gammel's Laws*, also *Huson, Refugio Pueblo Grant*, 123-128). As to ownership of court house see *Town of Victoria v. Victoria County*, 100 Texas, 438, 101 S. W. 190, 102 Texas, 477, 128 S. W. 109.

<sup>26</sup> *Act February 1, 1842*, G. L. II, 450 (Victoria charter incorporated by reference).

east of the plaza.<sup>27</sup> However, this block was never used for church purposes.

The first court house constructed in Refugio County was begun and practically completed by the Town of Refugio. It will be remembered that the town charter restricted the use of proceeds of sales of corporation lands to a few specific purposes, one of which was the building of a court house. The town as successor of the Mexican *pueblo* succeeded to the title of the block lying west of the public square on which the present county court house and jail are located. About the year 1850 the town commenced the erection of a court house on this tract. John Shelly and John Hynes were contractors for the labor, the town being obligated to furnish the material. The original plans evidently called for a one-story shell concrete building. In 1854 the council decided to heighten the walls and make of it a two-story building. The gables were to be of concrete, a stairway was to be placed inside at the south end, and two windows having twelve lights of 10 x 12 glass were to be placed in each end above the stairs. Shelly and Hynes struggled along with the construction for four or five years, being delayed by lack of materials. John Shelly died in 1855, and James M. Doughty was given the contract to complete the building.

The shell for the concrete appears to have come from the shell-reef at Copano. The lumber was brought into Copano by boat and appears to have been shipped from Florida. Captain Murdock McRae brought some of the lumber into Copano. Some of the lumber was bought through Runge & Co. and Thomas S. Tatum. Cypress shingles were bought from William Hassell and John D. Logan. Judge Milford P. Norton was agent for the town in receiving shipments of lumber, and the firm of Henry D. Norton & Co. cashed many drafts drawn on it for freight and purchase price of the lumber. The project involved a great deal of hauling from Copano to Refugio. Among those doing the hauling were Moses Simpson, William Manning, Mansfield Barlow, James M. Doughty, and H. D. Norton & Co.<sup>28</sup>

At the first meeting in January, 1856, the Town Council appointed the mayor, Charles G. Norton, "as a committee of one to confer with the county court at the earliest opportunity to ascertain on what terms the county court will take the court house off the hands of the Corporation and agree to furnish it."<sup>29</sup> At the Council

<sup>27</sup> *Deed Records*, D. 82, deed from town to Rt. Rev. John Mary Odin, Bishop, December 30, 1851. See also deeds from James Power to Bishop Odin conveying Mission property, C. 557, May 18, 1840, D. 95, dated May 18, 1828. See G. L. II, 492, Act January 13, 1841, vesting title to Mission, etc. in Catholic Church, II, 496 Alamo.

<sup>28</sup> *Town Minutes*, 1852-1855, 40-83. (These located in March, 1943).

<sup>29</sup> *Town Minutes*, 1853, 2-3.

meeting of May 23, 1856, Mayor Norton was able to report that the County Commissioners were "willing to take it free of all incumbrances and will agree to finish it as soon as they can get the work done and will put it in good order." J. M. Doughty was appointed a committee to carry the transfer into effect. The aldermen J. B. Munn and John Decker, after voting for the ordinance, both resigned.<sup>30</sup> Refugio County appointed Judge Lieuen M. Rogers as its committee. The deed from the Corporation of Refugio to the County of Refugio, dated December, 1856, was delivered, and the property passed to the county.<sup>31</sup>

This first court house was a two-story building constructed of shell concrete, with wooden floors and roof. As before stated, it was erected on the present court house tract. The county took over the building and speedily completed it and took possession of it.<sup>32</sup> Shortly thereafter it appears to have built a separate little building for a clerk's office.

The County Commissioners evidently figured that there was surplus space, as in 1857 we find them renting a room in the court house to Peter Cowan for a saddlery shop,<sup>33</sup> and about the same time it rented other space to Dr. Pulaski A. Thurmond, brother of the captain, for a physician's office. On February 24, 1859, Dr. Thurmond was given the privilege of building an office "at the northeast corner of the public lots destined for a court house," the doctor to pay an annual token rental of one dollar.<sup>34</sup> Dr. Thurmond had his office on the court house property for several years thereafter.

A new county, named Bee, in honor of General Barnard E. Bee, was created by the Legislature, by Act of December 8, 1857.<sup>35</sup> The new county was composed of parts of Refugio, San Patricio, and Goliad. The new line put on the Bee County side the old Refugio County communities of Blanconia and Papalote, and a score of old colonial families. The Legislature on the same day enacted a companion law adjusting the boundaries of Goliad, San Patricio, Nueces, and Refugio counties.<sup>36</sup>

The Act creating Bee County provided "That all the territory comprised within the following limits, to-wit, Beginning on the Blanco Creek, at the southwest corner of Goliad and Refugio counties, as

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<sup>30</sup> *Town Minutes*, 1856, 14, 17-18.

<sup>31</sup> *Deed Records*, F, 74, *Commissioners' Minutes*, I, 122. (Lots 2 and 13, Block 34, Town of Refugio).

<sup>32</sup> *Deed Records, Commissioners' Minutes* I, 122. See also W. L. Rea, *Memoirs*.

<sup>33</sup> *Comm. Minutes*, I, 144.

<sup>34</sup> *Comm. Minutes*, I, 188.

<sup>35</sup> G. L. IV, 883-884.

<sup>36</sup> G. L. IV, 882-883.

defined in this bill; Thence up the Blanco Creek with its meanders to where the Helena [then county seat of Karnes County] and San Patricio road crosses the same; thence in a direct line to the southwest corner of J. Johnson's survey, on the Medio Creek; thence up the Medio to the lower line of the G. Childer's survey; thence north 70° west eleven miles following the lines of the Gill and Igams surveys; thence south 27° east to the lower line of Live Oak County; thence in a direct line to a point three miles south 36° west from the mouth of Papalote Creek; thence in a direct line to the beginning—shall constitute a county to be called "Bee," in honor of the late Barnard E. Bee, formerly Secretary of War of the Republic of Texas."

The Act required the Chief Justice of Refugio County to organize said new county by ordering an election for county officers on a day by him named, at polling places designated by him, the returns of the election to be made to such chief justice who was authorized to issue certificates of election to the duly elected officers of Bee County. In the absence of chief justice of Refugio County, then any two of the County Commissioners of said county were authorized to act in his stead.

After they had been elected, the new officers of Bee County were required to select two or more eligible sites for a county seat within five miles of the center of the county. The voters of the county were to have the right to elect which of the sites should be the county seat, which was to be named *Beeville*.<sup>37</sup>

The first officers of Bee County were W. B. Thompson, chief justice; I. L. Phelps, David Cravens, Lewis Campbell, and Henry T. Clair, justices; Henderson Williams, county clerk; John G. Campbell, sheriff; J. B. Madray, assessor-collector; William Hynes, county treasurer; Henry Weir, county surveyor. James Wilson, John Sullivan, and William Miller were justices of the peace; S. B. Murri-man, district clerk. I. W. Drury was elected assessor-collector in the election of January 25, 1858, but did not qualify. Those elected qualified at dates ranging from February 5 to February 10, 1858.<sup>38</sup>

Mrs. Madray states that Papalote is one of the oldest settlements in Bee County, and that Robert Carlisle, Power colonist, was its first settler. Among other Refugio County people who formerly lived there, she mentions Mike Luque, who was the foreman of the J. J. Welder ranch for many years and up to the time of his death. Luque was brother to Mrs. Philip Power. Luke Hart, Tim Hart, Pat Quinn

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<sup>37</sup> G. L. IV, 883-884.

<sup>38</sup> *Election Register 1854-1861*, No. 259, Archives, State Library.



were others.<sup>39</sup> W. B. Hatch, son of George C. Hatch, a pioneer Refugian, was a long time merchant at Papalote.<sup>40</sup>

Among the old Refugio colonial families who were included in the new county of Bee were the Burkes, Carlises, Michael Fox, Harts, McGuills, O'Driscolls, O'Reilley's, Quinns, Robertson, Toole, and Thomas Welder.

Blanconia was another old settlement.<sup>41</sup> Its original name appears to have been Kyms. It is jocularly referred to as "Pull Tight" and "Dark Corners." Blanconia was and is a settlement rather than a village. It was distinguished in the early days as having been the headquarters of the celebrated Sallie Scull, whose exploits will be chronicled later in our story. A public school was early established in the settlement, as well as a Baptist Church, known as the "N-2" Church, being the brand of N. R. McDaniel. At the opposite edge of the settlement there was a Catholic Church, on Thomas McGuill's place. The Masonic Lodge was moved from Refugio to Blanconia in the 1880's. Among the early families of the Blanconia settlement were those of Thomas McGuill, Levi Williams, Henderson Williams, Hugh May, Hugh Rea, N. R. McDaniel, Michael Fox, the Wests, Sheltons, Huddlestons, Barbers, Doughtys, Mannings, Lamberts, and Maleys.

There appears to have been a grist mill and a cotton gin in the settlement from earliest times. Hugh May is said to have had a grist mill in the 1850's. Coffin Brothers of Refugio had a store there in the 1870's. Thomas McGuill had a store on his farm and lived in a log cabin. He peddled all over the country. He built at his own expense a small Catholic Church on his premises and laid out a church-yard adjoining it. The Coleman-Fulton Pasture Company seems to have had a store or commissary at the present site of Blanconia in the 1880's. Thomas McGuill and his son, Martin.

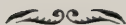
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<sup>39</sup> Madray, *A History of Bee County*, 74-75.

<sup>40</sup> Op. cit., 78-79.

<sup>41</sup> Elliott & Waldron Abstract Co., of Beeville, under date December 4, 1943, furnished the author with the following data relating to the record title to Blanconia: "The town of Blanconia is located out of the east central part of the John & Michael Keating original half league survey. John and Michael Keating acquired this survey from the State of Coahuila and Texas, October 9, 1834, and their heirs conveyed to J. E. Coleman May 21, 1874. J. E. Coleman conveyed to J. Weed, William W. Holbrook, P. E. Dugat, Jonathan Newman, J. A. Williams, Timothy Williams, S. P. H. Williams and A. C. Newman, portions of this survey. The town of Blanconia is situated partly out of a 200 acre tract conveyed to Timothy Williams by J. E. Coleman, April 3, 1875, and partly out of a 364 acre tract conveyed S. P. H. Williams by J. E. Coleman, July 4, 1874. There was never a plat recorded of the town. The original owners of property in the town of Blanconia were Coffin Brothers—3 acres; Thomas Conroy—1 acre; E. J. Adkins & Company—1 acre; Joseph McGuill—1 acre; L. H. May—1/2 acre; Woodmen of the World—Lot 50 x 75 feet. The town is bounded on the south by land now owned by Mrs. Mary Beedy, on the west by land now owned by Mrs. Lou Chapman, on the north by the land owned by Mrs. Mary Beedy and on the east by land now owned by Mrs. Nannie Tuttle. The greater part of the town of Blanconia was subsequently acquired by Martin McGuill by several deeds, and on his death partitioned among his heirs who now own same and is now principally owned by Agnes McGuill and A. L. McGuill."

bought the store with three acres around it and moved their business from the farm to the incipient village. After the 1886 storm they bought the George P. Rogers' gin at Refugio and moved it to Blanconia. They operated the gin and a grist mill in connection therewith. Cotton seed was then esteemed to be worthless and was used to fill a lagoon near the gin. The McGuills established a blacksmith shop and built a large residence at the village. Dr. J. J. Adkins had a drug store in the early part of the present century. Father Puig had the little church on the McGuill farm torn down and built a new one at Blanconia village. The first McGuill store at Blanconia burned in 1920 or 1922. It was immediately replaced by the present store. The first telephone line in Refugio County was built by Martin McGuill from Blanconia to Refugio.



## CHAPTER XXXIV

### EDUCATION PRIOR TO CIVIL WAR



THE FOUNDERS of Texas were men who believed that an enlightened citizenship was essential to the perpetuation of democracy. Therefore, the foundations for free public education were laid with the constitution itself, and President Lamar bended every effort towards creation of a great educational system for the Republic.

As early as 1839 each county was donated three leagues of the public domain for the purpose of establishing a primary school or academy in such county.<sup>1</sup> In 1840 the chief justice and two associate justices were constituted the *ex-officio* Board of Education for their respective counties. They were authorized to organize school districts, establish schools, examine and employ teachers, and issue teacher's certificates. The law provided that teachers must give evidence of good moral character and capacity to teach reading, writing, English grammar and geography.<sup>2</sup>

If any public school existed in Refugio County, we are unable to find a record of it. However, among the citizenship were men of superior education and fine culture, and some are known to have been pedagogues at diverse times during their lives. It is probable that there were tutors and small private schools here during the Republic, although the conditions, as we have seen, were too chaotic to permit much opportunity for formal education of the young.

The Constitution of 1845 (as well as all subsequent Constitutions of the state) made liberal and far-sighted provision for free public education. It was made the express duty of the Legislature to make suitable provision for the support and maintenance of public schools by setting apart not less than one-tenth of the annual revenue as a perpetual fund therefor.<sup>3</sup> The First Legislature appropriated one-tenth of the annual revenue of the state for such purpose, and the succeeding early Legislatures made like provision.<sup>4</sup> The Act of January 16, 1850, in addition to general support, donated four

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<sup>1</sup> Act January 26, 1839, *Hartley's Digest*, Art. 881.

<sup>2</sup> Act February 5, 1840, *Hartley's Digest*, Art. 887.

<sup>3</sup> *Constitution, 1845*, Art. VII, sec. 8, Art. X, sec. 1, 2 and 4. *Hartley* pp. 250-86.

<sup>4</sup> Act of May 13, 1846, *Hartley*, Art. 895; Act March 20, 1848, *Hartley*, Art. 895; Act February 11, 1850, *Hartley*, Art. 899, etc.

leagues of land to counties organized since 1846 for their public school fund.<sup>5</sup>

Reference has been made to the courthouse built by the Town of Refugio in the middle 50's. In 1850 the Town Council began preparations for the building of a public schoolhouse.<sup>6</sup> The town's charter gave the council power to sell any lands owned by the corporation, and appropriate the proceeds thereof to the erection of a jail, court house, and clerk's office, and the remainder of said proceeds to be appropriated for the purposes of education within said town and for no other purpose.<sup>7</sup> A tract of 640 acres had been set apart by an early council as "the school tract." On February 7, 1853, the council ordered this tract to be subdivided and sold in twenty acre lots for the purpose of raising funds with which to build a schoolhouse in the town. The mayor was authorized to receive bids for the construction.

The council on February 26, ordained "That J. B. Patterson's offer for building the school house be received, Viz: That he complete a building to correspond with the specification 24 by 18 feet in six months from the date of contract and that he receive the sum of Four Hundred & forty eight Dollars for building it."<sup>8</sup> Patterson incidentally was secretary of the town council. On March 8, the council advanced Patterson the sum of \$250, "being the amount of a draft of this date given for the purpose of purchasing and transporting materials to build school house."<sup>9</sup> On March 26, the council ordered that the school be built on a vacant blackjack lot adjoining the lot on which Brown resides.<sup>10</sup> This was evidently on the south side of the river near General Jackson Brown's house and blacksmith shop. On May 28 it was ordered that the "term of time for building the school should commence from date when the Treasurer paid the Dfts. for \$348.00 to contractor."<sup>11</sup> The building had not been completed on December 10, 1853 and the council extended the time for completion "to the first day of January next." However, Patterson was ordered paid \$25.00 "being in full" of said contract.<sup>12</sup> The school house was apparently finished without further difficulty as we find the council devoting much thought and effort to building the new court house.

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<sup>5</sup> Act January 16, 1850, *Hartley*, Art. 896.

<sup>6</sup> *Town Minutes* February 7, 1853, A. 52.

<sup>7</sup> Act of February 5, 1840, G. L. II, 450, incorporating Town of Victoria, which was made the charter for Refugio by Act of February 1, 1842. G. L. II 758-759 *Huson, Refugio Pueblo Grant*, 25-29.

<sup>8</sup> *Town Minutes*, February 26, 1853, A. 54.

<sup>9</sup> *Town Minutes*, March 8, 1853, A. 54.

<sup>10</sup> *Town Minutes*, March 26, 1853, A. 55.

<sup>11</sup> *Town Minutes*, May 28, 1853, A. 58.

<sup>12</sup> *Town Minutes*, December 10, 1853, A. 64-65.



The public school system which was in vogue in Refugio County, as well as throughout the state, from 1854 to 1866, was based upon the Act of January 31, 1854, the salient provisions of which will be given so that the reader may better appreciate some of the unusual procedures hereinafter described. The chief justice and county commissioners were constituted the Board of Education for the county. It was required to, in 1854, divide the county into convenient school districts. After this division had been made, three trustees were elected by the voters in each district. The trustees elected their chairman. The trustees then held an election in their districts to locate the site of the school house. A majority was necessary for a permanent location which could not be changed but by two-thirds majority vote in an election for that purpose.

The state public school funds were restricted by law to the payment of teachers' salaries. The people of each district were, therefore, required to provide a school house, with necessary seats and equipment, before money for support of the school could be drawn from the county treasury. The patrons were, of course, required to provide school books and supplies for their children.

The school house having been provided and equipped, the trustees next called meetings of all patrons of the school; and the law provided that at such annual meetings a majority of the patrons "shall indicate to the trustees the length of time during the year they desire a school, the kind of teacher they want and the amount of salary they are willing to pay." It was then the duty of the trustees to observe these instructions, employ the teacher, visit the school from time to time, expel pupils for misconduct, examine all complaints between teacher and pupil of a serious character, and discharge the teacher for incapacity or improper conduct. It was expressly provided that teachers of academies might be employed and their academies converted into common school districts. The reason for this provision will be made apparent a little further on.

Until state funds were available through the county treasury, the "paying patrons" were required to advance the teacher's salary, to be disbursed by the trustees. The law provided that the assessor-collector take annual censii of the free white population in the county between the ages of 6 and 18, and that the state school fund should be apportioned in accordance therewith. In each county the school fund, when made available, was required to be applied first to the tuition of the indigent, and the balance apportioned among the paying patrons in proportion to the time each child has attended school

without regard to the amount which may have been paid to the teachers by each paying patron. Annual reports of those transactions were required to be made by the trustees,<sup>13</sup> and some of these reports are still in existence in our County Clerk's office.

The following set of reports of School District No. 2 (Refugio Town Tract) for the term from February 4 to July 3, 1856, J. M. Stevenson, Teacher, is a good example of the procedure in vogue in that pioneer period:<sup>14</sup>

We the Undersigned, Trustees of School District No. 2 in the County of Refugio, do hereby certify that at a meeting of the Patrons of said District here, at Refugio, on the       day of January A. D. 1856, it was indicated by said Patrons, that they desired a school taught in       months during said year 1856 in the District that J. M. Stevenson was employed as teacher at Forty one 50/100 Dollars per month and actually taught 5 months making the total amount due him for said service two hundred and Seven 50/100 Dollars.

#### Names of Patrons

Lanice C. Doughty	Charles E. Dugat
Mrs. Wm. Doughty (Guardian)	Peter Dugat
J. Dorsett (Guardian)	John Martin
Robert Martin	Mrs. Solina Fox
James M. Doughty	Mary Fennesy (Guardian)
Lewis H. Dantin	Sam S. Mapes
Henderson Williams	H. B. Williams
John Decker	Lewis Campbell
William Manning	Thomas Welder (Guardian)

G. J. Brown

We further certify that the above is a correct statement showing the names of patrons, number of children and number of days tuition of each, amount secured from special school fund, the amount of apportionment to each for balance of teacher's salary.

(There being no evidence before as of any patrons unable to pay their apportionment).

D. C. Doughty	Chearman
Charles E. Dugat	School Masters School
P. Shelly	District No. 2, Refugio
	County

Teachers' General Report, for the Term commencing on the 4th day of February 1856, and ending on the 3rd day of July 1856, in School District No. 2, in the County of Refugio.

<sup>13</sup> Act January 31, 1854, *Oldham & White*, Art 137; Act August 29, 1856, *Oldham & White*, Arts. 149, et seq.; Act of February 5, 1858.

<sup>14</sup> Report on file in County Clerk's Office.

Names marked thus "o," not of scholastic age.

Parents or Guardians	No. of Scholars	Children	Days	
Daniel C. Doughty	2	Judge Doughty o	97½	8.10
		Joseph Doughty	101½ =	9.39
Ellen Doughty	2	Jeremiah O'Driscoll o	67½	6.25
		Robert O'Driscoll	79 =	7.37
Wm. J. Dorsett	2	Franklin Shaw	93½	
		Walter B. Shaw	38½ =	12.72
Robert Martin	2	Zechariah Martin o	60½ =	5.62
		Catharine Martin	86½ =	8.00
James Doughty	1	Mary L. Doughty	99½ =	9.21
Louisa I. Denton	1	Elizabeth Denton	105	9.72
Henderson Williams	7	E. A. Jane Williams o	101½ =	9.39
		Hariet Williams o	59½	5.46
		Samuel Williams o	33	3.06
		Mary Williams	96½	8.93
		Eliza Williams	101½	9.39
		Cicero Williams	84	7.78
		Henderson Williams	87½	33.89
John Decker	1	Haywerd Joiner o	90	8.33
William Manning	5	Robert Manning o	55	5.05
		Martha Manning o	31	2.87
		Sarah Manning	58	5.37
		William Manning	43	3.98
		Jepa Manning	65	6.02
				=16.14
Charles Dugat	2	Martha Dugat	25	
		John Dugat	22½ =	4.39
Peter Dugat	2	Joseph Dugat	8	
		Seaborne Dugat	12 =	1.85
John Martin	2	Henry Martin	70	
		James Martin	69 =	12.75
Mrs. S. Fox	1	John Fox	66 =	6.77
Mary Fennesy	1	James Heart o	43	3.98
Samuel S. Mapes	1	Sarah Mapes o	9½	.88
H. B. Williams	4	Emison Williams	5	
		Wayman Williams	13½	
		Frances Williams	36	
		Louisa Williams	40 =	8.75
Lewis Cambell	1	Susan Campbell	41 =	3.75
Thomas Welder	1	Jacob Kring o	42½	3.93
G. J. Brown	1	Henry Brown	13½ =	1.25

STATE OF TEXAS        : :  
COUNTY OF REFUGIO : :

On this twenty-fifth day of July A. D., 1856, personally appeared before me the undersigned County Clerk of Refugio County, J. M. Stevenson, teacher for School District No. 1 in said County and being duly sworn, made an oath, that the facts set forth in the above tabular statement are just and true.

J. M. Stevenson, Teacher

Sworn to and subscribed before me the day and year above written.

P. Shelly Clk.

(seal)

C. C. R. C.

Under the laws of the State, Refugio County received four leagues of the public domain for the use and benefit of its common free school fund. This land was located and surveyed by William R. Reed, the district surveyor of the San Patricio Land District, in May, 1855.<sup>15</sup> The four leagues were at first surveyed in several separate tracts, but later were surveyed in a solid body. At the time the first surveys were made Bee County had not been created, and the land was located partly in Live Oak and partly in (then) San Patricio counties. The Refugio County School Lands as finally patented were: Abstract 284, Bee County, 1476 acres, patented October 27, 1876, Patent No. 69, Volume 22; Abstract 557, 6461 acres in Bee County, 4736 acres in Live Oak, patented May 26, 1885, Patent No. 329, Volume 24; Abstract 396, Live Oak County, 1886.52 acres, patented February 10, 1857, Patent No. 691, Volume 12; Abstract 397, Live Oak County, 2,581.85 acres patented February 10, 1857, Patent No. 692, Volume 12; Abstract 398, Live Oak County, 4,428.40 acres, patented October 13, 1883, Patent No. 117, Volume 24; Abstract 399, 6461 acres Live Oak County, 1725 acres in Bee, patented May 26, 1885, Patent No. 329, Volume 24.<sup>16</sup>

Because of the slowness of functioning of the public school system, and thereafter its inadequacy, there sprang up in all parts of Texas, during the Republic, numerous private schools and academies; and such continued to exist and be well patronized until the turn of the twentieth century. The Baylor School, at Independence, was the foremost of these. The colleges, academies, and seminaries at Chappel Hill,<sup>17</sup> Gay Hill, Ruttersville, Salado, and other places were famous in their day.

<sup>15</sup> *Com. Minutes*, I, 198-199. *Deed Records*, E. 103-111 for plats and field notes of first surveys.

<sup>16</sup> *Abstract of Texas Land Titles*, compiled by General Land Office in 1941. See "Bee" and "Live Oak."

<sup>17</sup> G. L. III, 1128; IV, 575, 1282.



In the Refugio section of the state were the Aranama College<sup>18</sup> and Paine Female College<sup>19</sup> at Goliad, Texana College at Texana,<sup>20</sup> Corpus Christi College at Corpus Christi,<sup>21</sup> Concrete College in DeWitt County,<sup>22</sup> Victoria Female Academy (of which Reverend Joel T. Case, formerly of Refugio, was joint proprietor),<sup>23</sup> Ingleside Institute at Ingleside,<sup>24</sup> and, last but not least, the Lamar Academy at Lamar, in Refugio County.

The Lamar Academy was founded by Mrs. Jane P. O'Connor, a kinswoman of Captain James W. Byrne, in the early 1850's if not in the late 1840's. Mrs. O'Connor was undoubtedly a cultured and brilliant woman and a great educator. The Academy was conducted by her until about 1870. Sheriff Johnson states—

"Mrs. Jane P. O'Connor conducted a private school, known as *Lamar Academy*, which was well patronized by substantial families of the entire sector. Families living away from Lamar sent their children to board in the town, either with Mrs. O'Connor, or friends. Some families moved to Lamar and lived there while their children were completing their educations. For several years prior to our removal to Lamar [in 1862,] Bertha Harris, my half-sister, had been attending Mrs. O'Connor's school. She had many school-mates at Lamar, among them being, the Bass children; Annie Willie Byrne, Kate Byrne, and Charles Byrne; Frances Bower, daughter of John White Bower (whose widow was then Mrs. Bridget Whelan); James, Lucretia, Lugenio and Wilfred Ballou; Lizzie, Peter and Joseph Fagan; Henry, Isabella, Susan and Tina Finnegan; Margaret Fox, daughter of James Fox; the children of J. Hughes; Mary Kroeger and Willie Kroeger, children of Henry L. Kroeger; Margaret Lambert, daughter of Mrs. Nicholas Lambert; Mary Murray, daughter of J. Murray; the four children of Captain Philip D. Newcomb; John Henry O'Connor, son of Mrs. O'Connor; Annie O'Meara, daughter of Edward O'Meara; James and Jennie Patterson, children of James S. Patterson; Augustus M. Peaks, son of Mrs. John R. Tally; Eliza Power, daughter of Mrs. Tomasita Power, widow of Colonel James Power; Angelina and Mary Ryan, daughters of James Ryan; the Lewis and Strikes children; Catherine Sideck; Kate Teal, daughter of William Teal; Florence and Annie Upton, daughters of Edward

<sup>18</sup> G. L. III. 690; See Madray, *History of Bee County* (Rev. McCain).

<sup>19</sup> Act. August 6. 1856.

<sup>20</sup> G. L. IV. 1341.

<sup>21</sup> G. L. IV. 758.

<sup>22</sup> Victoria Advocate — 88th Anniversary Edition.

<sup>23</sup> Victoria, *Advocate* (Sp. Ed.) Sept. 28. 1934. 92-93.

<sup>24</sup> See biography of William Kuykendall, Daniell. *Personnel*, etc. 557-558.

P. Upton; Lizzie Walker; Thomas Wellington, son of Dr. R. W. Wellington; and the J. Woods children."<sup>25</sup>

From the School Trustee's Reports, heretofore referred to, Mrs. O'Connor availed herself of the privilege of converting her academy into a common-school district of Refugio County, and at the same time preserving its status as an academy.

During the decade 1850-1859 the following public schools are known to have existed in Refugio County: At Refugio, with Mansfield Barlow as its first teacher (1854-1855); J. M. Stevenson later taught this school; (1856) At Black Point, with Miss Sarah E. Ellis as its first teacher; (After 1857 the school was known as the St. Mary's School and had three teachers, Miss Ellis, Miss Eleanor Nancy Shive and John C. Campbell. Miss Shive and Professor Campbell married each other prior to 1860); At Blanconia, with Hugh Rea as the teacher; (After the inclusion of Blanconia in Bee County, Rea taught the Westville school); At Quo Warranto Bayou, after 1857, with John McLeod the teacher; At Lamar, the Lamar Academy, with Mrs. Jane P. O'Connor the teacher; At Hynesville, or Crescent Village, on Hynes Bay; (After the Civil War this school was taught at McMillian's house. Later Captain Townsend built a school house about two miles southeast of the present town of Tivoli.) There were also school houses at Copano and on the San Antonio River. The names of the earliest teachers are obscure.

Among the early school teachers of Refugio County were John Dunn, the old alcalde; John F. Fenner; William Sheriff; Mansfield Barlow; Hugh Rea; John McLeod; K. J. McLemore; S. (Parson) Lindsley; Dr. McKinney; Lenoir N. Shive (Mrs. Campbell); John C. Campbell; Mrs. Jane P. O'Connor; J. M. Stevenson; Sarah E. Ellis; L. S. Hatch; Mrs. C. F. V. McGrew; George McKnight; Mrs. John R. Baker; William G. Webb; J. Y. Hamilton; Eunice Will; Annie Lewis; Pierpont Jourdan; — — Carter; Mrs. H. C. Ives; — — Campion.

A. H. Lea, Charles G. Norton, and Patrick Shelley were school examiners in 1858.<sup>26</sup> Mansfield Barlow, William Sheriff, and Dr. Wm. P. McGrew served in the same capacity in 1859.<sup>27</sup>

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<sup>25</sup> Johnson. *Two Sea-Captains Johnson*.

<sup>26</sup> *Com. Minutes*, I. 137.

<sup>27</sup> *Com. Minutes*, I. 193.

END OF VOLUME ONE







*Courtesy of S. J. STEPHENS*

## MISSION RIVER

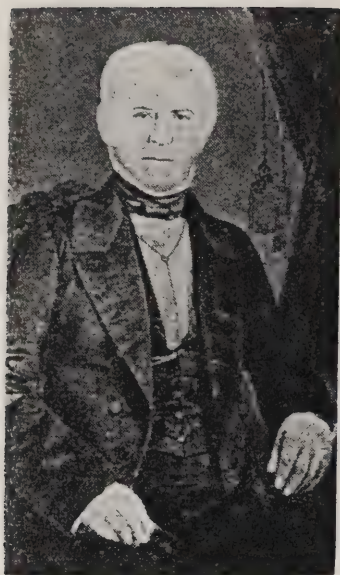
Near Packery Flats, prior to pollution



*Photo by CAPTAIN F. B. SHELDON*

## MISSION RIVER 1953

After pollution

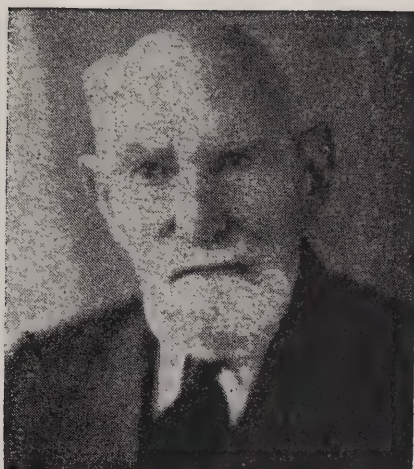


DR. JAMES HEWETSON  
Empresario



JAMES POWER, JR.

*Courtesy, FATHER OBERSTE*



*Courtesy of JOHN J. POWER*

PHILLIP POWER

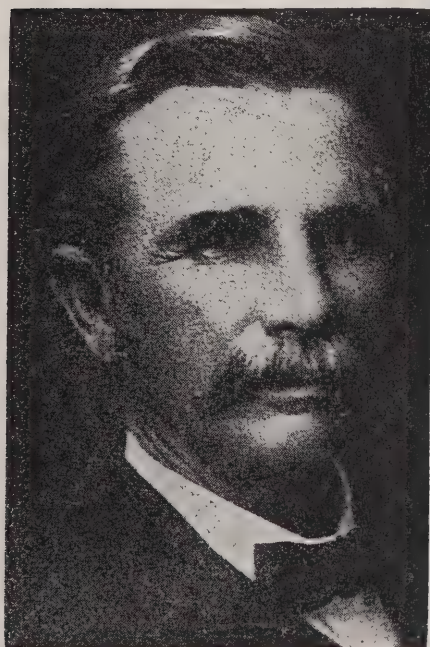
Son of Col. James Power  
at age 80



*Courtesy of MRS. CARL BAUMGARTNER*

JAMES F. POWER

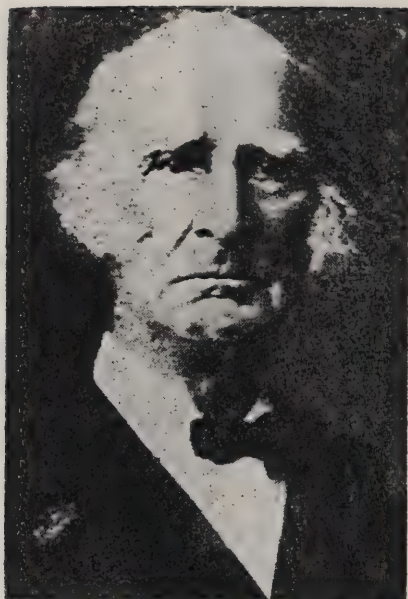
Grandson of Empresario



*Courtesy of MISS CECILE MORRIS*

JOHN J. WELDER





*Courtesy of MISS CECILE MORRIS*

**JOHN J. LINN**

Colonist

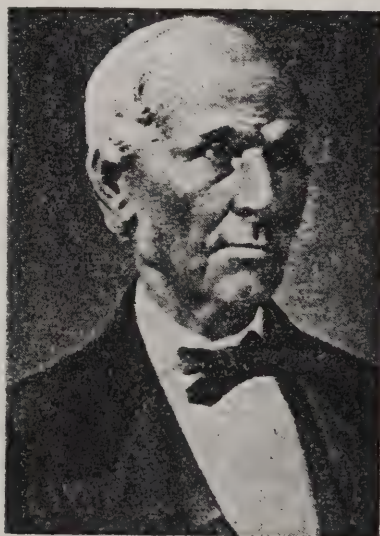


*Courtesy of R. H. WOOD*

**JOSE MIGUEL ALDRETE**

Colonist

*Note Papal Decoration*



**CHARLES SHEARN**

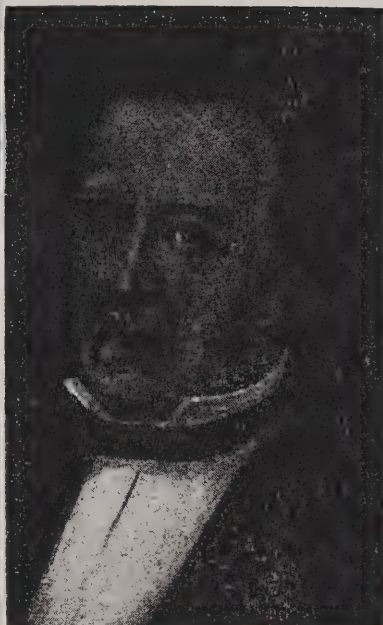
Colonist

Grandfather of  
Col. E. M. House

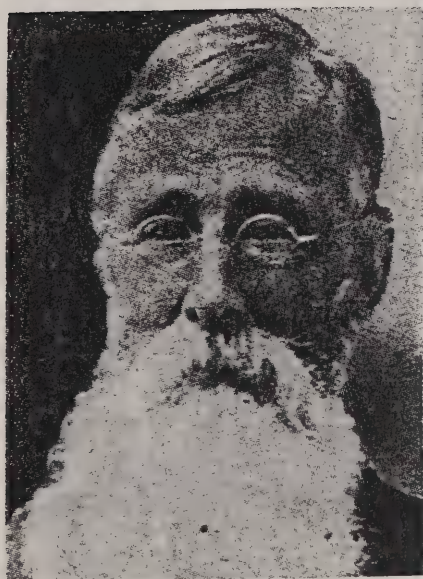




GOV. HENRY SMITH



GOV. JAMES W. ROBINSON



COL. GEO. W. FULTON

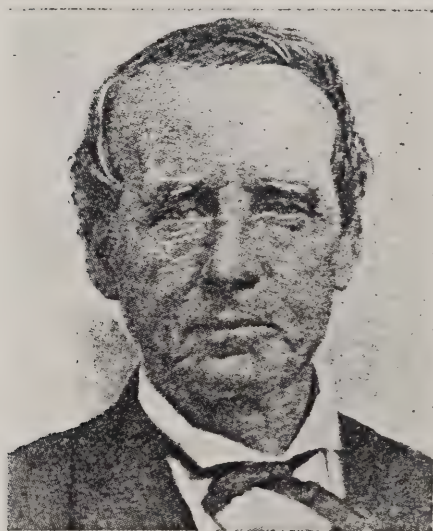


JUDGE BENJ. F. NEAL



*courtesy of MRS. E. D. COWARD*

JOSEPH E. PLUMMER



WILLARD RICHARDSON



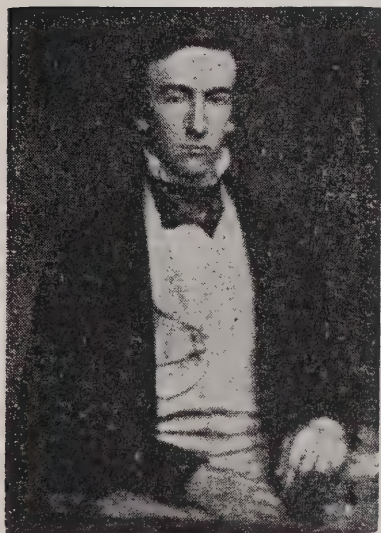
*Courtesy of MRS. E. O. SARRATT*

JUDGE  
MILFORD P. NORTON



*Courtesy of MRS. E. O. SARRATT*

MRS.  
MILFORD P. NORTON  
Nee Gilman



*Courtesy of MRS. E. O. SARRATT*

CHARLES GILMAN  
NORTON



*Courtesy of MRS. E. O. SARRATT*

MRS. CHARLES  
GILMAN NORTON  
Nee Fannie Brown





CAPTAIN JOHN REAGAN BAKER



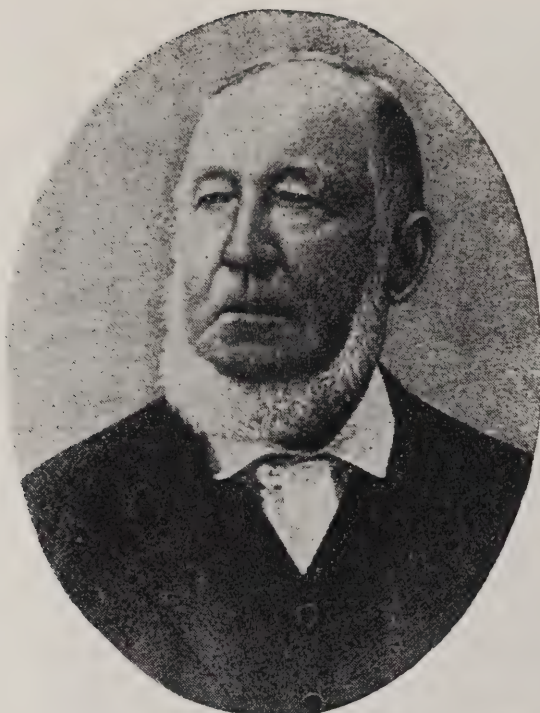
*From* GREEN, MIER EXPEDITION

CAPTAIN EWEN CAMERON





MRS. REBECCA GILLELAND FISHER



MAJOR  
JOHN  
HOWLAND  
WOOD

*Courtesy of*  
R. H. WOOD



MRS.  
JOHN H.  
WOOD

Nee Nancy Clark

*Courtesy of*  
R. H. WOOD

HOME OF MAJOR JOHN H. WOOD, 1849



*Courtesy of R. H. WOOD*

Black Point, St. Mary's

THE MAJOR JOHN H. WOOD HOME, 1879



*Courtesy of R. H. WOOD*

St. Mary's



## GREAT SHELL REEF, EL COPANO



*Photo by NEIL C. IMON*

Looking North to Old Town Site

## EL COPANO



*Photo by NEIL C. IMON*

Looking South from Power's Point



## RUINS OF EMPRESARIO HOUSE



*Courtesy of S. J. STEPHENS*

El Copano

## RUINS OF EMPRESARIO HOUSE



*Courtesy of S. J. STEPHENS*

El Copano

## RUINS OF EMPRESARIO HOUSE



*Courtesy of S. J. STEPHENS*

El Copano



RUINS  
SHELL  
CONCRETE  
BUILDINGS

El Copano

*Courtesy of S. J. STEPHENS*

RUINS  
SHELL  
CONCRETE  
BUILDINGS

El Copano



*Courtesy of S. J. STEPHENS*



RUINS  
SHELL  
CONCRETE  
BUILDINGS

El Copano

*Courtesy of S. J. STEPHENS*

ANCIENT  
WATER  
TANK

El Copano



*Courtesy of S. J. STEPHENS*

## THE BIG TREE



*Courtesy of S. J. STEPHENS*

Lamar

## THE BIG TREE



*Courtesy of S. J. STEPHENS*

Lamar



## OLD SHELL CONCRETE HOUSE



*Courtesy of S. J. STEPHENS*

Lamar

## OLD SHELL CONCRETE HOUSE



*Courtesy of S. J. STEPHENS*

Lamar

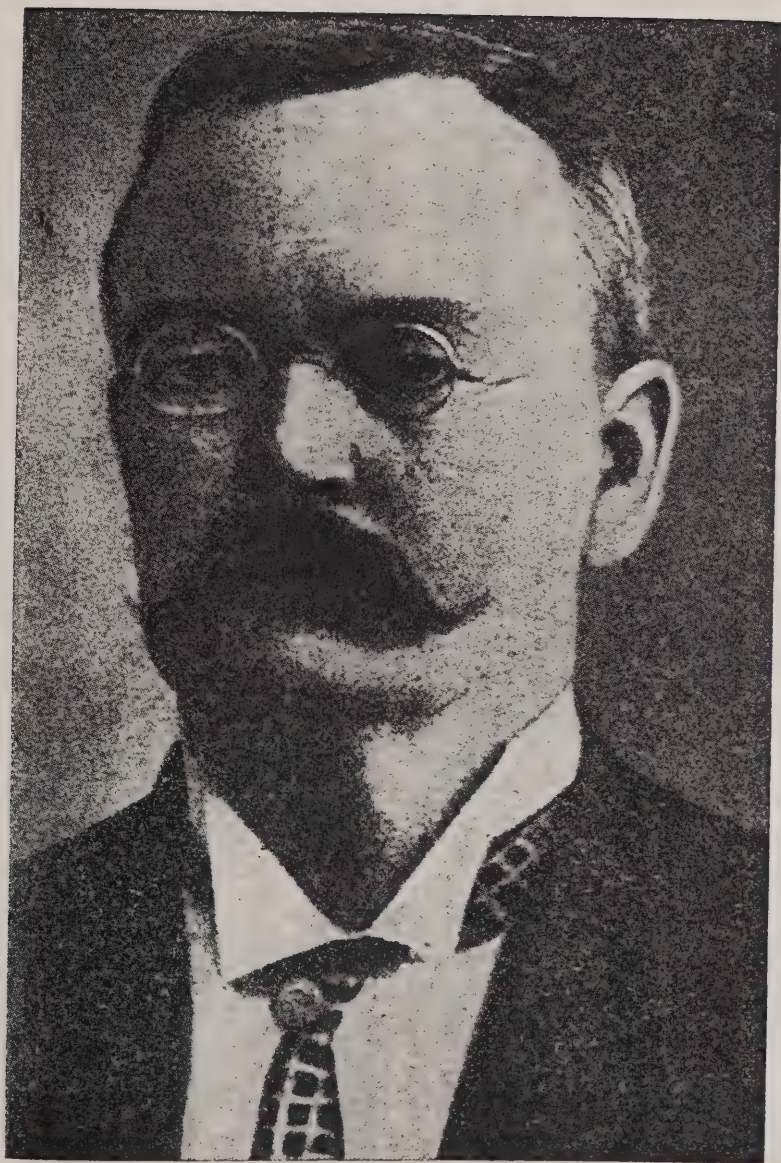


OLD SHELL  
CONCRETE HOUSE  
Lamar



*Courtesy of S. J. STEPHENS*





JUDGE JAMES B. WELLS

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